

MASS. MA 18.1:997



Department of Industrial Accidents
Fiscal Year 1997
Annual Report



Workers' Compensation Reform

**MAINTAINING the
REFORM**

**for Labor, Business, and Insurers
in Massachusetts**

GOVERNMENT DOCUMENTS
COLLECTION

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GOVERNOR**

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INTRODUCTION TO WORKERS' COMPENSATION IN MASSACHUSETTS

The concept of Workers' Compensation was formally activated in Massachusetts in 1912. This system became known as the "Poor Man's Court" as it replaced the court system as the means of resolving contested injured workers' claims for compensation.

Few changes were forthcoming in the next 70 years (between 1912 and the mid 80's). In 1985 and 86 provisions were made that opened region offices, created cost of living adjustments, established a "trust fund" to pay for claims of workers in the employ of uninsured employers, and established a vocational rehabilitation program.

While these were necessary changes to the workers' compensation system, it was the reform act of 1991, Chapter 398, that addressed the crux of the contemporary problem in Massachusetts. As you will note from our past performance and in your review of this document, this administration turned the system from a cumbersome and expensive effort wrought with fraud into an efficient process that has benefited labor and business in the Commonwealth.

PREFACE



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James J. Campbell

COMMISSIONER'S REMARKS

From the top

Six years ago, on December 23, 1991, Governor Weld signed a Workers' Compensation Reform Act titled **"AN ACT RELATIVE TO FAIR AND EFFECTIVE COMPENSATION OF INJURED WORKERS."** It was the reform act of 1991, Chapter 398, that addressed the nature of the contemporary problem in Massachusetts and turned the system from an unwieldy and costly effort brimming with fraud, into an effective process that has benefited labor and business in the Commonwealth.

This new law had far reaching implications and effects. Strong statutory provisions addressing fraud and the ability of the Department of Industrial Accidents and insurance providers to combat fraud were enacted. Administrative, procedural and benefits changes have been introduced as well as definition for **"Personal Injury."** The function of vocational rehabilitation had been expanded. The use of **"Impartial Physicians"** was introduced (as an alternative to "dueling doctors") for the purpose of determining injury and extent of injury. Other changes in the medical area include limits in the ability of injured workers to change treating doctors and the creating of preferred medical providers. The process of Dispute Resolution was subject to dramatic modification. A **Senior Judge** position was created, additional Administrative and Administrative Law Judges were authorized and the **"same Judge"** rule ensures one judge hears all aspects of a single case. Conciliation, as a dispute resolution tool, was expanded and Alternative Dispute Resolution was permitted.

In FY '97, the Weld/Cellucci Workers' Compensation Reform Act of 1991 continued to produce positive trends for Massachusetts. The Reform Act has established Massachusetts as the state with the most progressive, and arguably the most efficient and effective Workers' Compensation system in the nation. In FY '94 employer premium rates decreased by 10.2%, in FY '95 by 16.5% and in FY '96 again by a startling 12.2%. Not only is this unique because these are the first declines in over two decades, but also because there has never been two, let alone three consecutive declines in the employers' premium rates in the history of the Massachusetts Workers' Compensation System. The insurance industry has proposed a double figure premium decrease in 1997, however the Massachusetts Insurance Division had not acted on it by the end of this year. Further, the Assigned Risk Pool, as a percentage of the total market premium, continues to decline from the high of 66% to the current 20%. Claims continue to diminish to 21,371, an excess of 47% decrease from the pre-reform act high of 40,575. These achievements are a direct result of the Massachusetts Workers' Compensation Reform Act.

As an update, it is again my pleasure to state that the Department has met each and every milestone within the prescribed time frame of the Reform Act, and that we continue cutting edge development of a medical management system.


Last year I reported some impressive accomplishments and summarized some of the results of **our efforts**. This year I'd like to again update those results for you:

- * An estimated **250,000 plus workers** were brought under Workers' Compensation insurance coverage between 1993 and 1997.
- * The Insurance Industry continues to report a declining **"Assigned Risk Pool."**
- * The reduced average time until an injured worker **appears before a judge** continues.

- * **Dispute Resolution Case backlog** has been reduced to the point of there being no backlog for scheduling purposes and continues within these acceptable parameters.
- * **Claims** against the Workers' Compensation system have decreased by 47%.
- * Claims against the Workers' Compensation Trust Fund by injured workers whose employers do not have insurance decreased by 35% since Fiscal Year 1994.
- * The employers' **premium rate** dropped by 10.2% in 1994, 16.5% in 1995 and 12.2% in 1996 (for a total of 38.9%), the first rate reductions in over two decades. The Workers' Compensation Rating and Inspection Bureau has recommended a double figure decrease for 1997 Workers' Compensation insurance premiums, however at the end of this year the Massachusetts Insurance Division had not approved the recommendation or negotiated an alternative.
- * The Lowell Sun reported that Massachusetts ranked fifth in the nation in terms of Workers' Compensation **benefits** and that although employer costs had been reduced, injured employee benefits are one of the most generous in the country.
- * The insurance industry's weekly publication, The Standard, reports "Massachusetts, with an **underwriting gain** of \$295,168,187, leads all (50) states by far. The next highest (was) \$58,270,354. This improvement reflects the efforts...made to address their workers' compensation problems."
- * The Boston Globe quoted the Executive Director of the Workers' Compensation Research Institute in an interview discussing **the comeback of the Massachusetts Workers' Compensation system** as stating, "I've never seen anything this dramatic."

Let me acknowledge a few of the players whose contributions were of such importance that without them the system might not have successfully supported the healthy Massachusetts economy, reduced the cost of the workers' compensation, shrunk the Assigned Risk Pool, and supported the Commonwealth's work force. Director of Administration Bill Sivert and Senior Judge Joe Jennings made the system work every day; Department of Labor and Work Force Development provided policy and decisions and the Weld/Cellucci Administration gave us our catalyst, the Workers' Compensation Reform Act, his guidance, and support and the tools to accomplish the mission.

Accomplishments are not possible, however, without employees and board members dedicated to achieving goals. Their efforts are much appreciated and continue to make the reform a success.


James J. Campbell
Commissioner

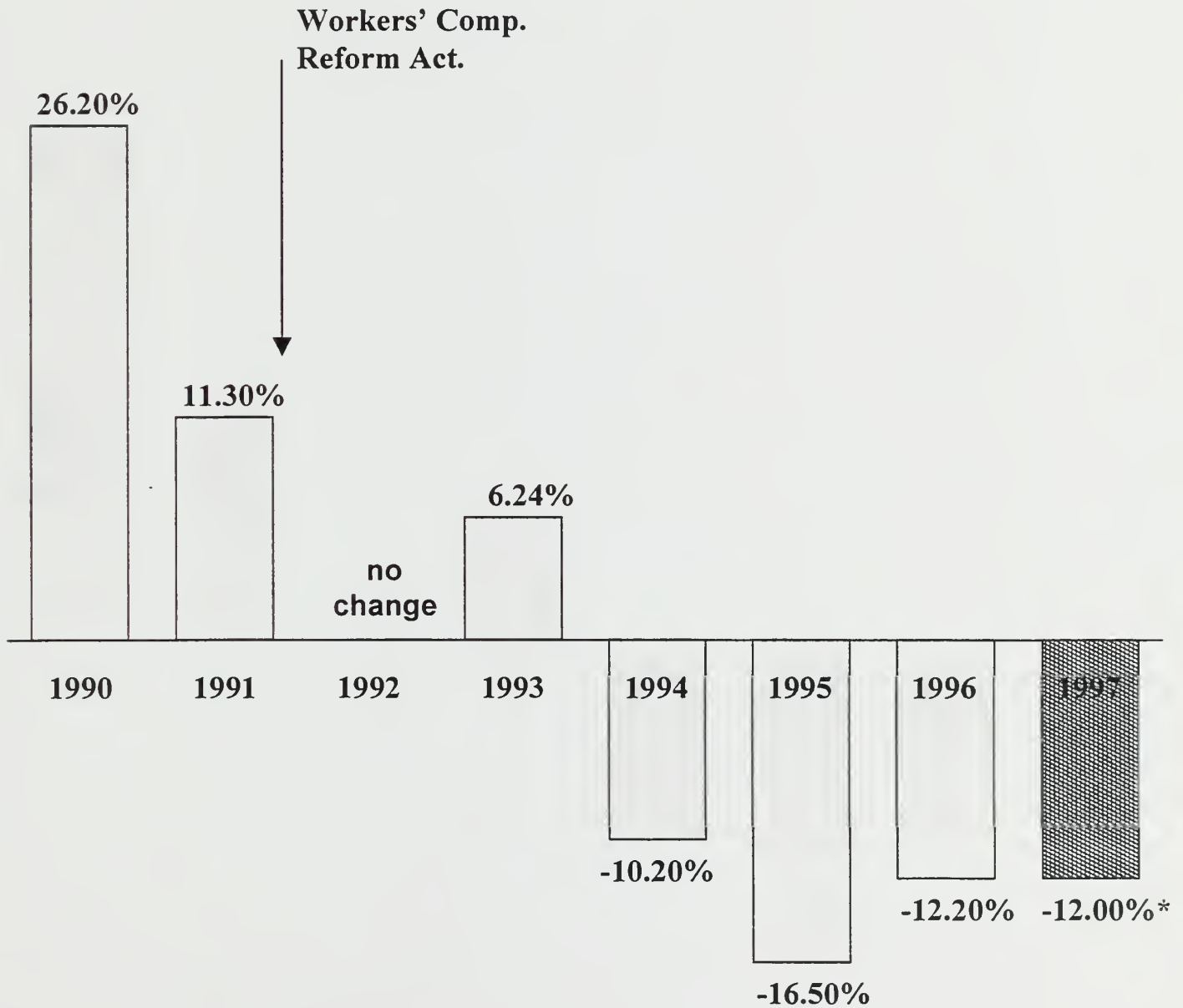


THE COMMONWEALTH OF MASSACHUSETTS

Department of Industrial Accidents

James J. Campbell, Commissioner

WORKERS' COMPENSATION PREMIUM RATE CHANGES



*Proposed 1997 rate change,
as yet not approved by Division of Insurance



FINANCE & ACCOUNTING

Balancing the books

HIGHLIGHTS

FINANCE & ACCOUNTING

- **Software Enhancements**
- **Increased Oversight and Monitoring of Operating Budget**
- **Integration of Workflow Into Department Network**
- **Procurement Practices Automated**

FINANCE & ACCOUNTING

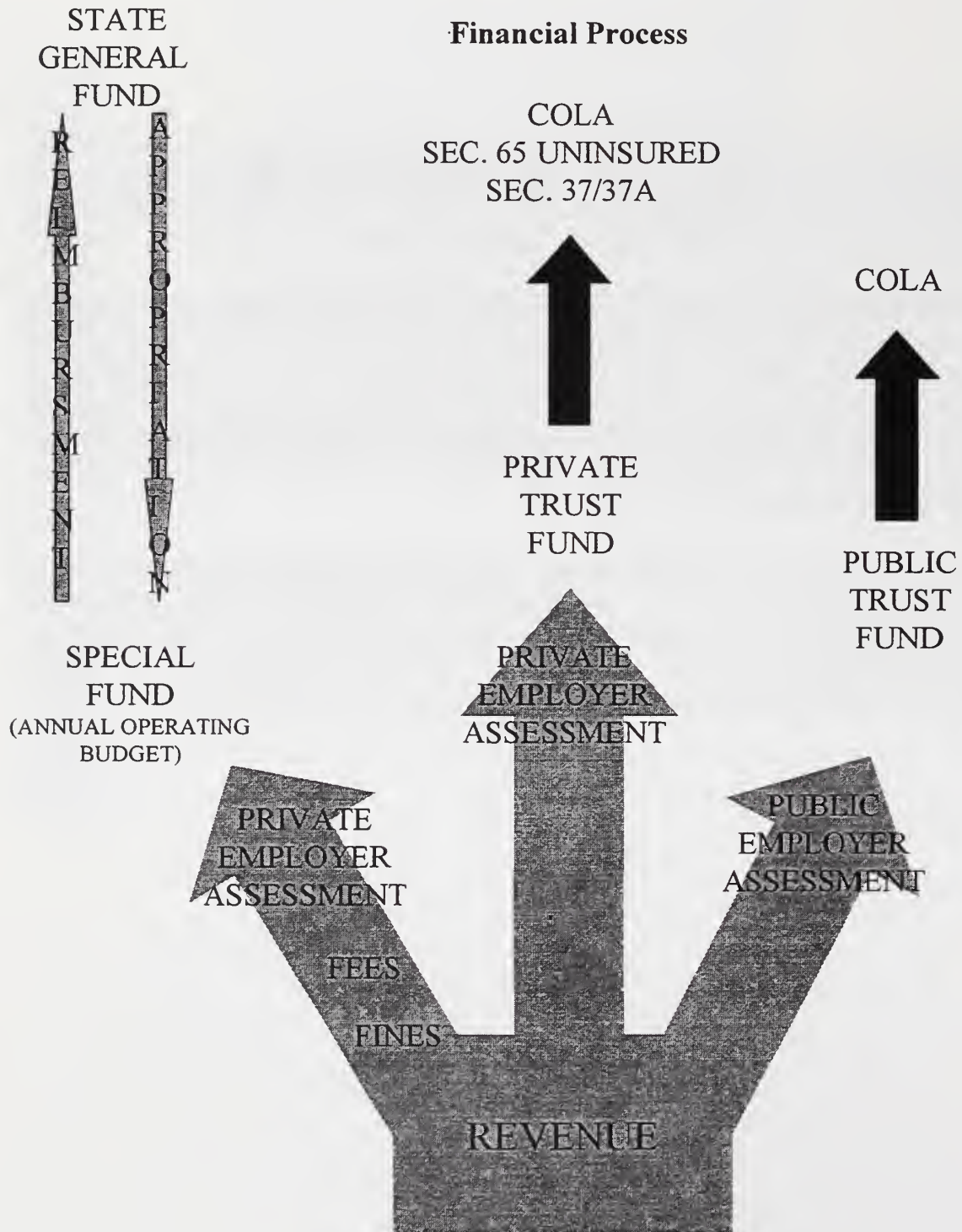
The Finance and Accounting Office continues to operate successfully in a more efficient manner with ever increasing responsibilities. Through software enhancements introduced during FY '96 and continuing in FY '97 the Finance and Accounting Office has streamlined once wieldy operations into an orderly and proficient process.

Although fiscal year 1997 began with an intent to increase automation enhancements, budget restraints required the interruption of the DIA Strategic Office Automation Plan denying the Finance and Accounting Office imaging capabilities originally scheduled for implementation for fiscal year 1997. Previous gains in office automation has afforded the Finance and Accounting Office a daily monitoring of encumbrances and expenditures by all units within the department, insuring efficiency and greater accountability for managers with procurement authorization.

The workflow study for the Finance and Accounting Office initiated in fiscal year 1996 was completed in fiscal year 1997, resulting in the reorganization of the department's procurement practices and procedures substituting automated tasks for those which had previously been done manually. These changes have been integrated into an updated Internal Control Procedures Program for the Finance and Accounting Office.



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Source: Dept. of Industrial Accidents, Commonwealth of Massachusetts
Prepared: September, 1997



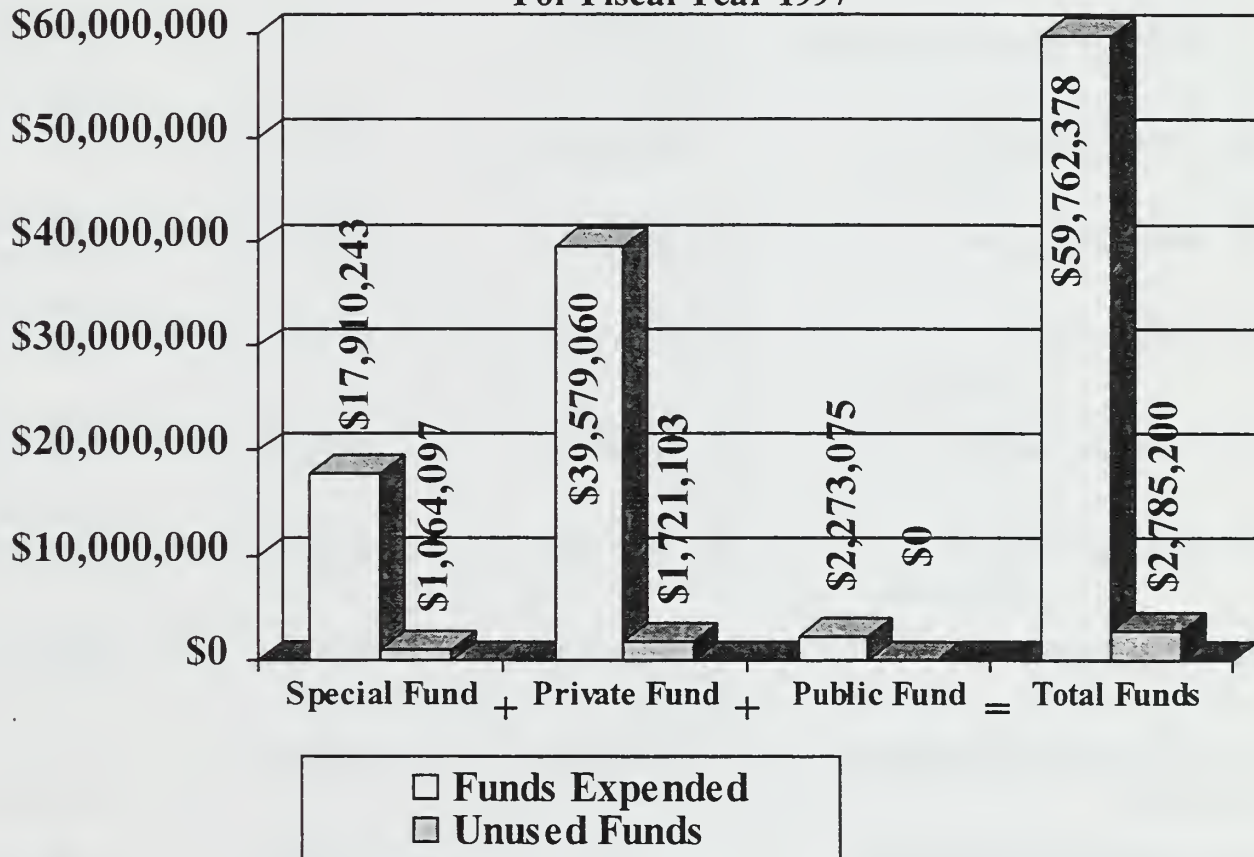
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Department of Industrial Accidents

James J. Campbell, Commissioner

Office of Finance & Accounting

DIA Operating Budget and Funds Managed For Fiscal Year 1997



Total Budget for Each Fund

Special Fund:	\$18,974,250
Private Fund:	\$41,300,163
Public Fund:	<u>\$ 2,273,075</u>
Total:	\$62,547,488



Department of Industrial Accidents

Special, Private and Public Funds

Financial Report

Fiscal Year 1997 - Budgeted

<i>Subsidiary</i>	Special Fund	Private Fund	Public Fund
AA - Reg. Employee Compensation	\$12,756,966	\$916,000	\$0
BB - Reg. Employee Related Expenses	\$147,074	\$32,700	\$0
CC - Special Employee Compensation	\$77,475	\$0	\$0
DD - Pension & Insurance	\$341,251	\$302,600	\$0
EE - Administrative Costs	\$858,930	\$83,900	\$0
GG - Energy Costs	\$1,522,311	\$0	\$0
HH - Consultant Services	\$1,396,753	\$410,000	\$0
JJ - Operational Services	\$974,165	\$379,100	\$0
KK - Equipment Purchase	\$618,840	\$160,000	\$0
LL - Equipment Leases and Rental	\$280,575	\$25,000	\$0
MM - Purchased Client Services (For Human & Non-Human Services)	\$0	\$15,000	\$0
RR - Entitlement Programs	\$0	\$38,975,863	\$2,273,075
TOTAL	\$18,974,340	\$41,300,163	\$2,273,075



Department of Industrial Accidents

Special Fund-*Financial Report*

Collections & Expenditures

Fiscal Year 1997

<u>Collections</u>	<u>Amount</u>	<u>Sub-Total</u>	<u>Total</u>
Interest	\$945,546		
		\$945,546	
Assessments	\$14,518,007		
Returned Checks	\$0		
Refunds	(\$12,825)		
		\$14,505,182	
Filing Fees	\$3,974,703		
Collection Fee	(\$33,414)		
Returned Checks	(\$3,228)		
Refunds	(\$3,721)		
		\$3,934,340	
First Report Fines	\$391,801		
Collection Fee	(\$24,033)		
Returned Checks	(\$1,900)		
Refunds	(\$600)		
		\$365,268	
Stop Work Orders	\$432,640		
Refunds	(\$225)		
Returned Checks	(\$11,322)		
Collection Fee	(\$9,180)		
		\$411,913	
Late Assessment Fines	\$50,350		
Sec. 7 & 14 Fines	\$5,018		
Miscellaneous	\$19,681		
		\$75,049	
Total Collections			\$20,237,298
<u>Expenditures</u>			
Salaries		\$12,675,241	
Fringe Benefits		\$3,661,402	
Indirect Costs		\$526,447	
Non-Personnel Costs		\$5,235,003	
Prior Year Deficiency		\$26,899	
Total Expenditures			\$22,124,992
Net Collections			(\$1,887,694)
Previous Year Balance			\$13,724,401
Year End Balance			\$11,836,707



Department of Industrial Accidents

Private Trust Fund-*Financial Report*

Collections & Expenditures

Fiscal Year 1997

<u>Collections</u>	<u>Amount</u>	<u>Sub-Total</u>	<u>Total</u>
Interest	\$626,082		
		\$626,082	
Assessments	\$38,664,243		
Refunds	(\$30,513)		
Returned Checks	\$0		
		\$38,633,730	
Reimbursement (Sec.65)	\$1,673,509		
Returned Checks	(\$18,109)		
Collection Fees	(\$1,739)		
Refund	(\$6,414)		
		\$1,647,247	
Miscellaneous	\$0		
Sec. 30H	\$0		
		\$0	
Total Collections			\$40,907,059
<u>Expenditures</u>			
Administrative	\$84,895		
COLA & Related Exp.	\$33,119,707		
Consultants	\$241,132		
Defense of the Fund	\$475,698		
Claims Expenses	\$1,611,641		
Claims Payments	\$3,008,717		
Employee Expenses	\$980,829		
Vocational Rehab Exp.	\$56,441		
		\$39,579,060	
Total Expenditures			\$39,579,060
Net Collections			\$1,327,999
Previous Year Balance			\$6,567,009
Year End Balance			\$7,895,008



Department of Industrial Accidents

Public Trust Fund-*Financial Report*

Collections & Expenditures

Fiscal Year 1997

Collections

	<u>Amount</u>	<u>Sub-Total</u>	<u>Total</u>
Interest	\$0		
		\$0	
Assessments	\$2,493,610		
Refunds	(\$7,834)		
Sec. 30H	\$0		
		\$2,485,776	
Total Collections			\$2,485,776

Expenditures

RR COLAS		\$1,910,048	
RR Sec. 37		\$363,027	
RR Latency Claims		\$0	
RR Rehab		\$0	
MM IME Sec. 37		\$0	
Total Expenditures			\$2,273,075
Net Collections			\$212,701
Previous Year Balance			\$202,743
Year End Balance			\$415,444

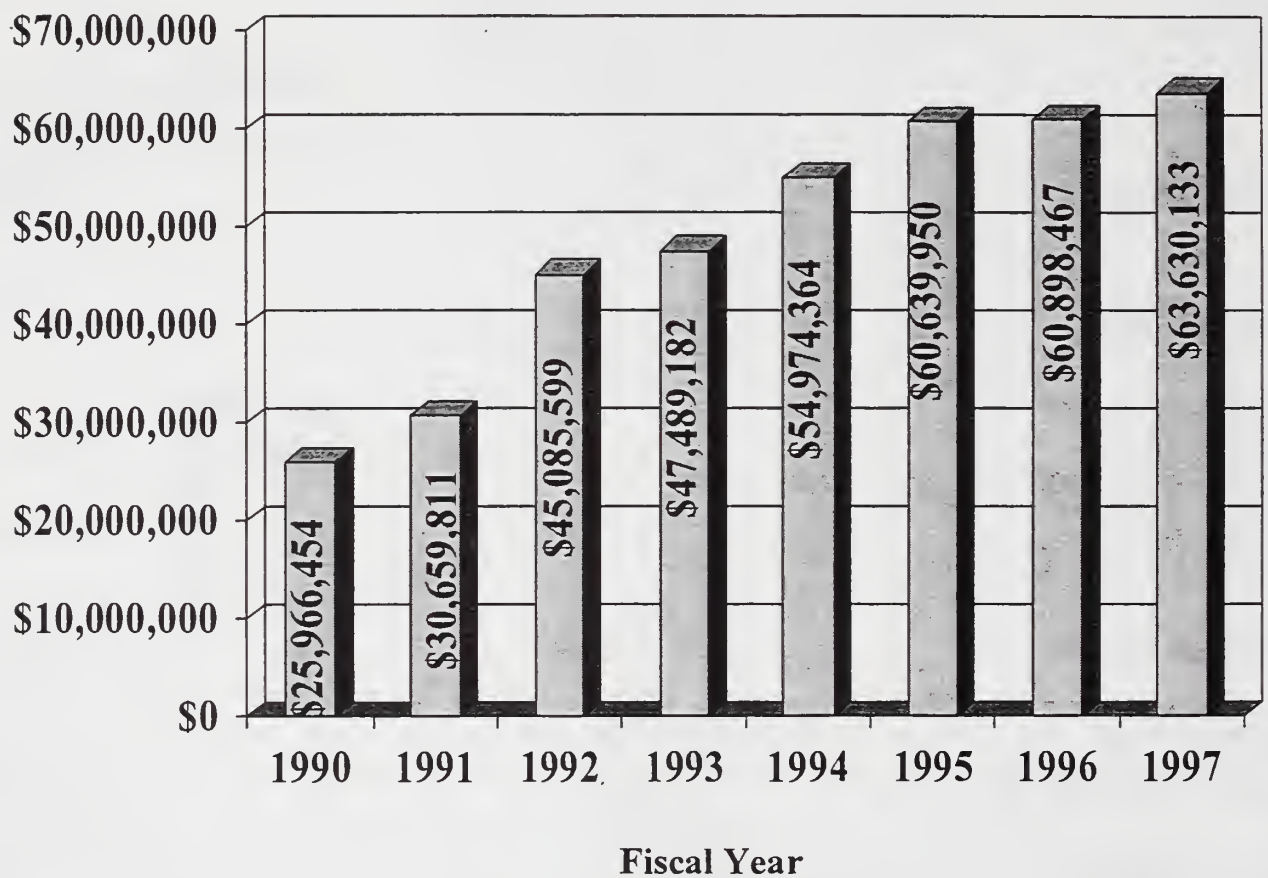


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Department of Industrial Accidents

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Office of Finance & Accounting



TOTAL COLLECTIONS*

*Excludes interest & miscellaneous income

Source: Dept. of Industrial Accidents, Commonwealth of Massachusetts

Prepared: March 1998

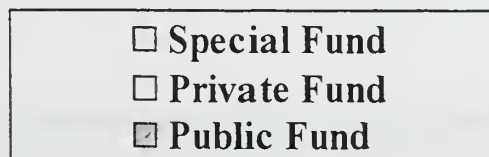
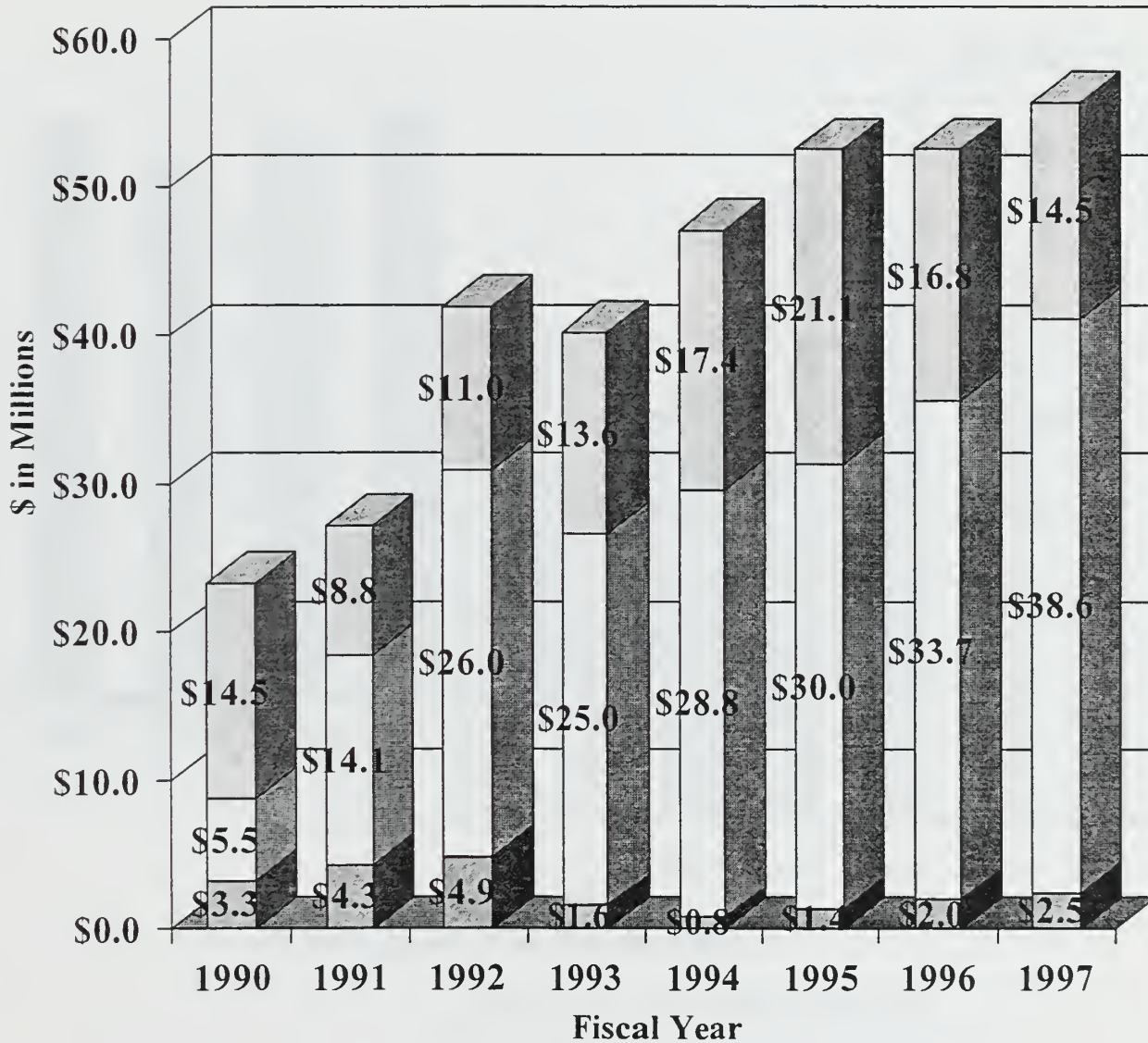


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Assessment Collections

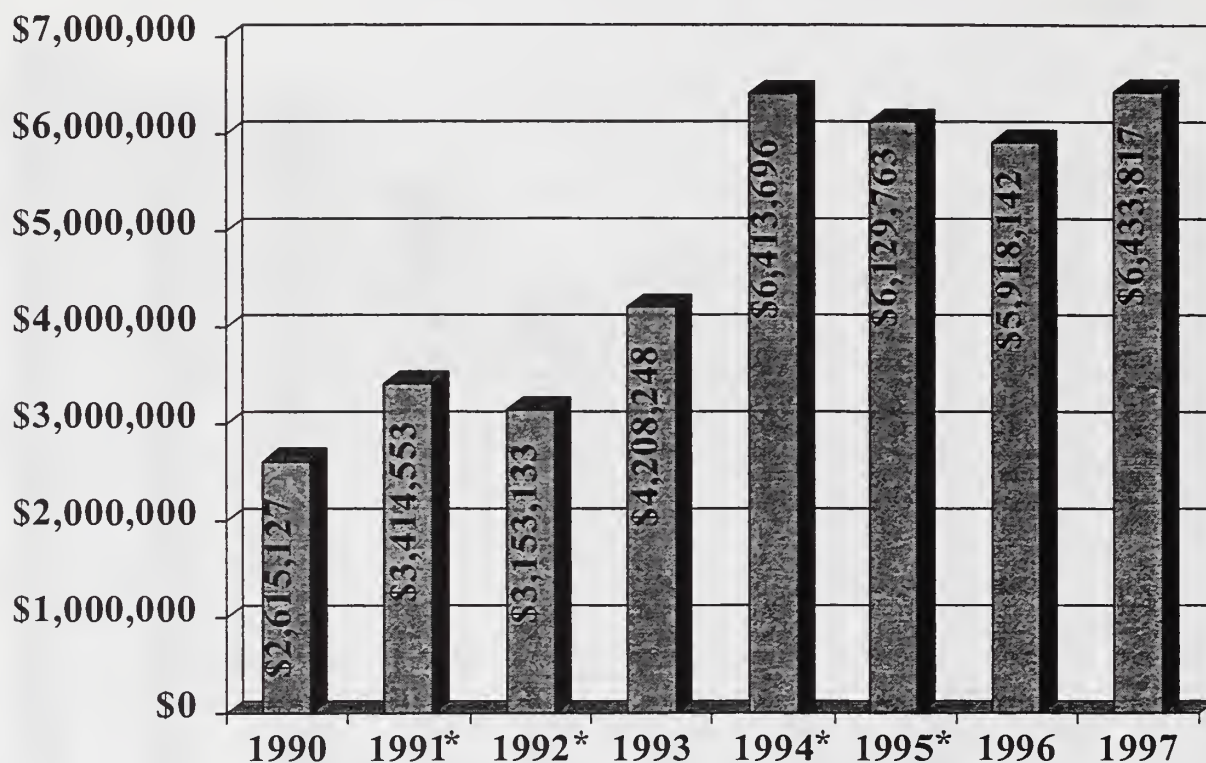
Source: Dept. of Industrial Accidents, Commonwealth of Massachusetts
Prepared: September, 1997



THE COMMONWEALTH OF MASSACHUSETTS
Department of Industrial Accidents

James J. Campbell, Commissioner

Office of Finance & Accounting



Fiscal Year
TOTAL DEBT COLLECTION

* Note: Corrected to reflect the more accurate data now available.
These bar graphs may differ from previous annual reports.

Source Dept of Industrial Accidents, Commonwealth of Massachusetts

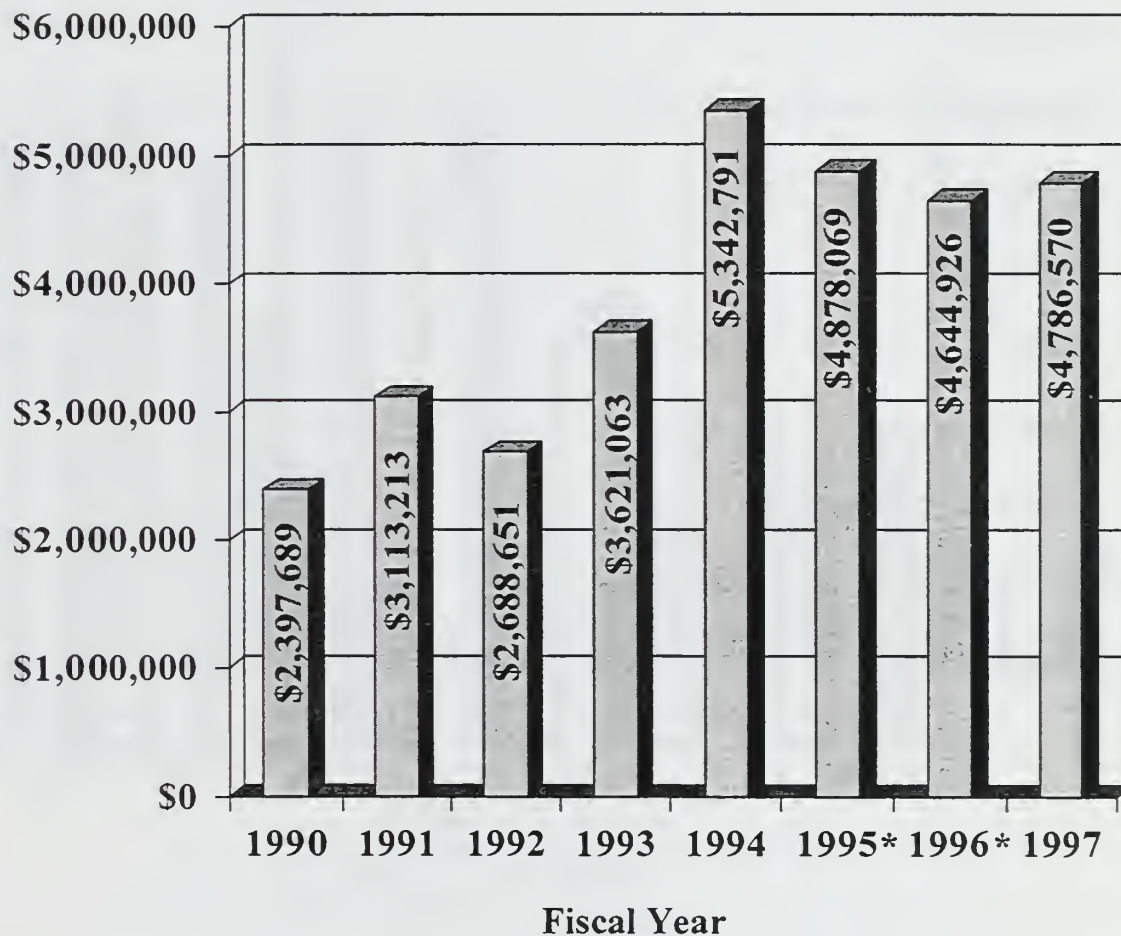
Prepared: March, 1998



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Department of Industrial Accidents

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COLLECTED FINES & FEES

* Note: Corrected to reflect the more accurate data now available.
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Source Dept of Industrial Accidents, Commonwealth of Massachusetts

Prepared September, 1997

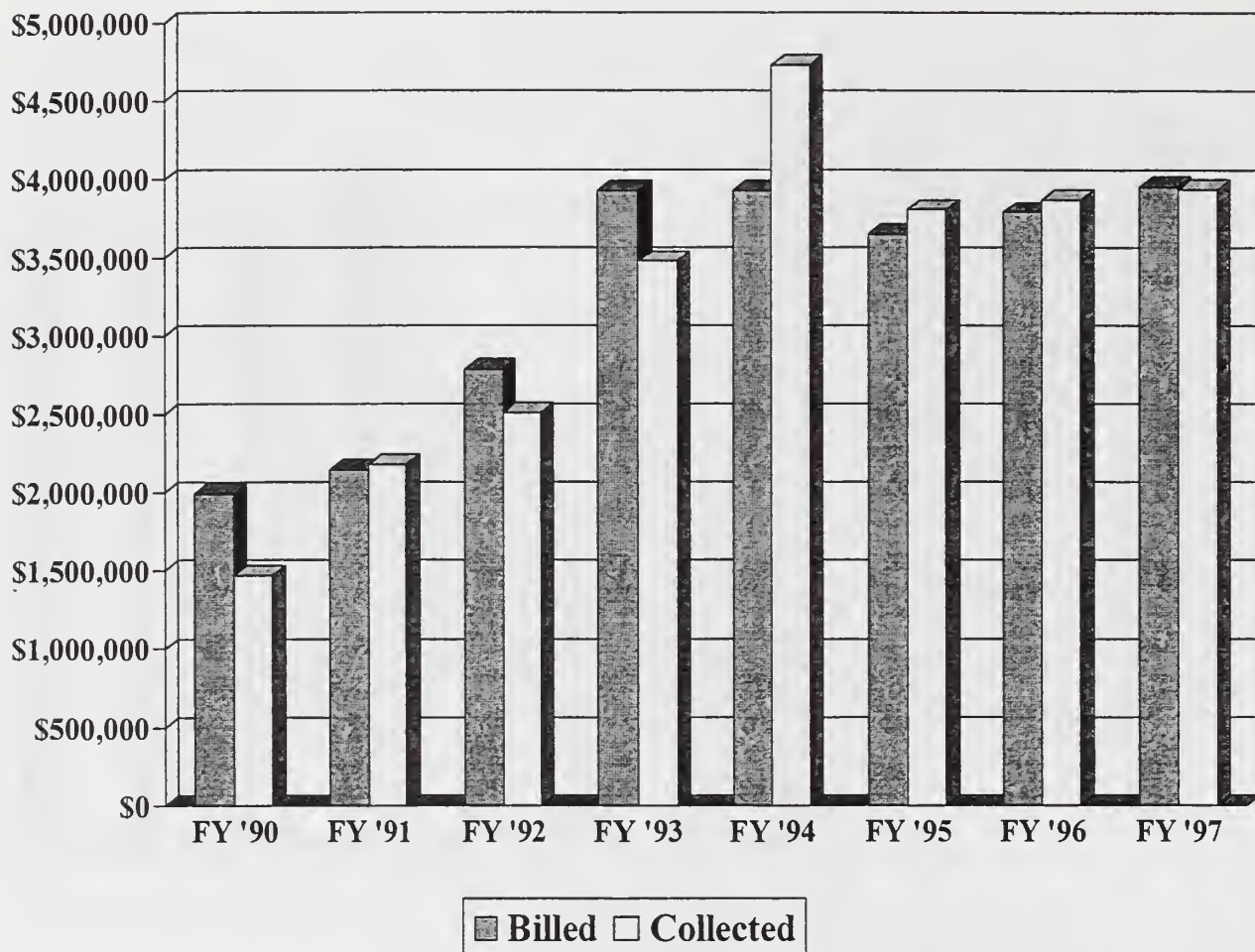


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Department of Industrial Accidents

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Office of Finance & Accounting



Referral Fees

PREPARED BY: Department of Industrial Accidents

James J. Campbell, Commissioner

May 1, 1998

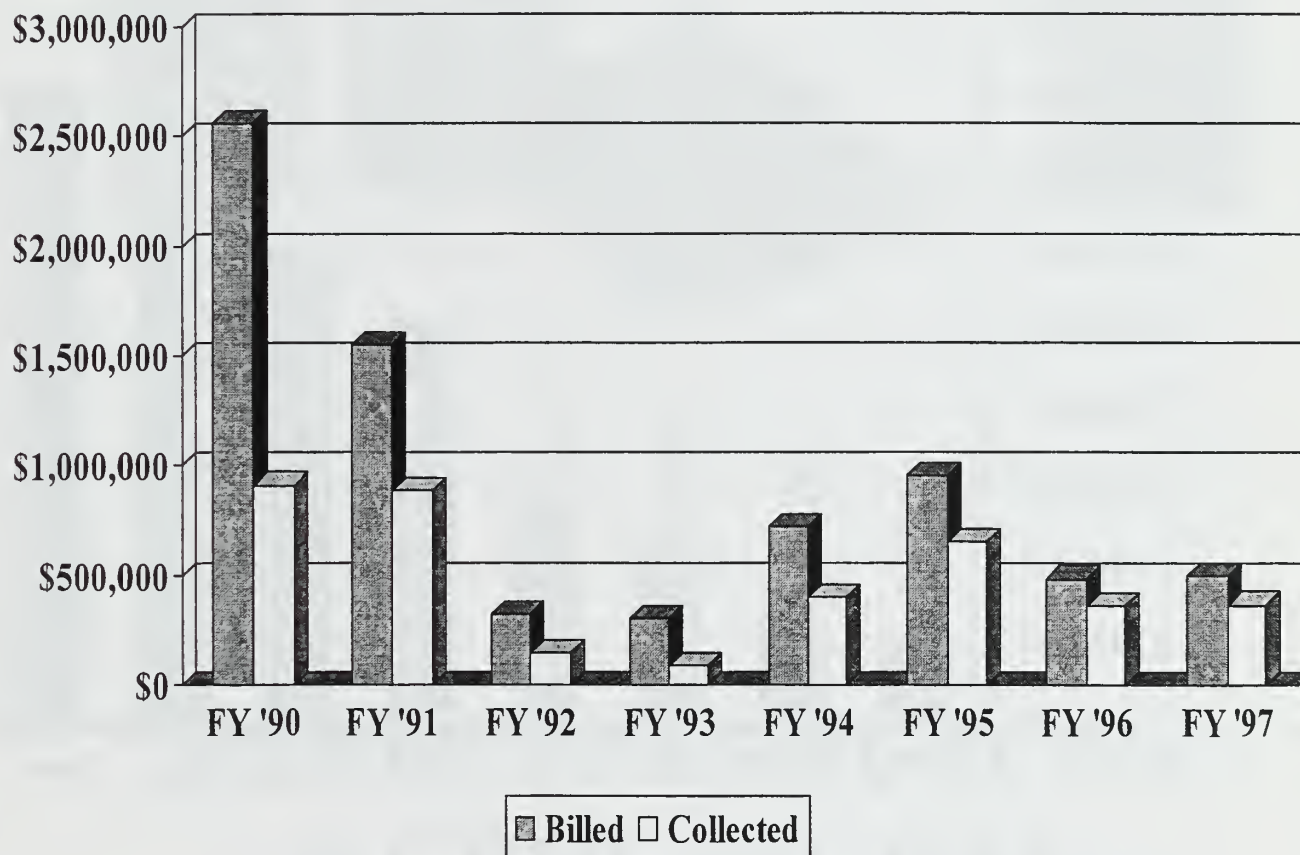


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Department of Industrial Accidents

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Office of Finance & Accounting



First Report Fines

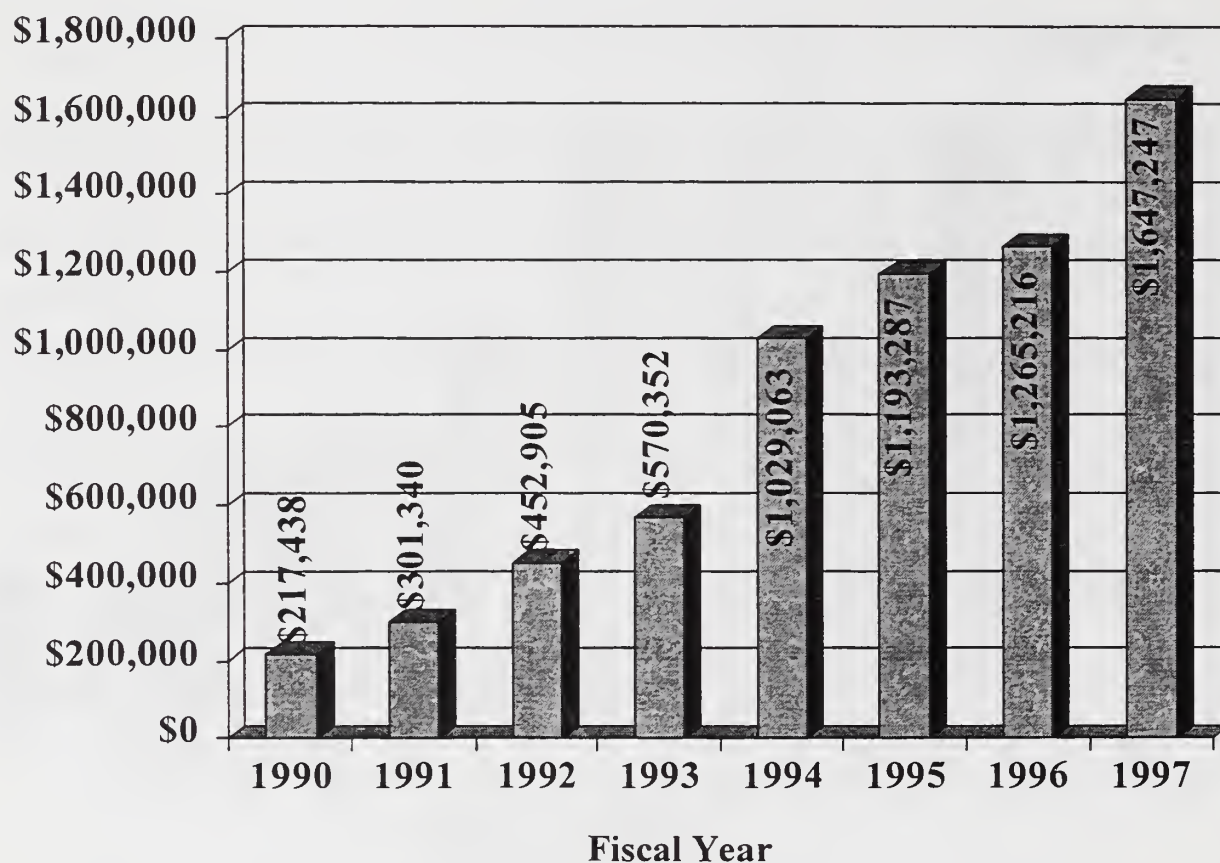
PREPARED BY: Department of Industrial Accidents
James J. Campbell, Commissioner
May 1, 1998



THE COMMONWEALTH OF MASSACHUSETTS
Department of Industrial Accidents

James J. Campbell, Commissioner

Office of Finance & Accounting



**Section 65 Reimbursements From
Uninsured Employers**

Source Dept of Industrial Accidents, Commonwealth of Massachusetts

Prepared September, 1997



HUMAN RESOURCES & CIVIL RIGHTS

Quality and Diversity

HIGHLIGHTS

HUMAN RESOURCES

- A SICK LEAVE Monitoring System was introduced in 1992 and continues to be upgraded.
- Outside hiring was prohibited to minimize the impact of the budget cut and the reduction in staff.

HUMAN RESOURCES

The Human Resources provides centralized personnel administrative functions, exclusive of affirmative action, for the DIA. The principal activities include assisting managers in recruitment efforts, posting vacancy announcements and job advertisements, coordinating civil service list requests, overseeing payroll administration, maintaining grievance records and serving as general liaison with the Commonwealth Department of Personnel Administration. The office also provides administration and clerical support services for the line units of the office.

In fiscal year 1990, authorization was granted for new positions for the newly created office of the Trust Fund and because of the significant growth experience in the WCTF uninsured caseload and disposition levels, the staff has grown from 17 positions in 1990 to 23 positions in 1997, including five attorneys.

The Department expanded its staff and budget in FY '91, when new legislation was passed which provided for authorization for six additional administrative judges, two additional administrative law judges, a senior judge and support staff. Through the same legislation under Ch. 152, §. 11A, the impartial unit was created with an authorization of ten positions and because of the additional functions not anticipated previously, there has been an increase in staff.

The sick leave report established in FY '92 which was developed to enable the managers to control the sick leave usage in his/her unit has been successful and the sick leave usage is more in line with the DIA's target of no more than an average of 6 sick days per employee per year.

The DIA has a commitment to its employees to provide training relevant to their current function and to promote their continued professional growth. Training priorities are established in conjunction with the goals of the agency. Programs are offered for all levels of staff and a large number of DIA employees have taken advantage of this opportunity.

During FY 1997, the Department was informed of a budget cut and that the staff for the next fiscal year was being reduced from 333 to 316.

As a result, to minimize the impact on the Department, The Commissioner implemented an immediate freeze and stated there would be no outside hire and that vacancies and promotions would be filled from within the Department. Overtime would be minimized.

CIVIL RIGHTS OFFICE

The Civil Rights Office, formerly known as the Affirmative Action Office, seeks not only to enforce pertinent laws and regulations, but also to advocate changes in behavior that will promote respect and dignity among those we employ as well as the clients we serve.

The Civil Rights Office is responsible for taking the lead on issues pertaining to equal opportunity, and civil rights as they pertain to employees, managers, vendors and clients. The Civil Rights Office also coordinates DIA's Equal Employment Opportunity (EEO) efforts and undertakes initiatives to achieve and maintain a more diversified workforce. In doing so, we work to ensure that minorities, women, people with disabilities and those who served in the Vietnam War are represented at all levels of responsibility and in all areas of operation throughout the agency.

Through educating the workforce, the Civil Rights Office endeavors to create an employment environment that is appreciative of its diverse employee population. We pilot efforts to increase job and promotional opportunities for DIA employees to ensure equity and diversity in future years.

Our objectives are to achieve a workplace which is free from harassment of any kind and where everyone's differences are accepted and valued, and to provide services to employees and managers which will reinforce and realize this goal.

The Civil Rights Office provides a variety of administrative services and educational programs to address issues of discrimination, civil rights, and access to opportunity and managing diversity. We respond to questions about EEO/AA and diversity, provide awareness training for employees on sexual harassment, disabilities and EEO/AA, meet with managers to determine AA goals and strategies for achieving them, provide career counseling and other employee services, investigate and resolve complaints of discrimination, including sexual harassment in employment and in access to services at the DIA, review affirmative action plans of vendors holding contracts with the agency, assist in providing reasonable accommodations for qualified employees and clients with disabilities, make hiring recommendations by reviewing the impact on DIA's diversity, monitor employment activity in the agency and produce quarterly and annual reports for compliance with affirmative action requirements.

The Civil Rights Office is charged with the duty to uphold provisions of all applicable laws and regulations of the United States and the Commonwealth of Massachusetts.



THE COMMONWEALTH OF MASSACHUSETTS

Department of Industrial Accidents

James J. Campbell, Commissioner

COMMISSIONER

James J. Campbell -00003
(10MAD)

Deputy Commissioner
Thomas Griffin -00162
(09MAD)

Program Coord. II (12R21)
L. Catino -00151

Civil Rights Mgr. (04MAD)
Betty Oliver -00159

Director of Administration &
First Deputy
(08MAD)
William Sivert -00018

Personnel
Office
(05MAD)
Alice Crotty

Dep. Director
Trust Fund
(06MAD)
Priscilla Conant

Chief
Legal Counsel
(08MAD)
Dino Theodore

Health Care
Services Board
(06MAD)
Robert Davis

Senior Judge
(10MAD)
Joseph W. Jennings III

Admin. Asst. II
(09R01)
S. Gethers
-09029

Trust Fund Manager
(03MAD)

Health Policy
Sect (10R39)

Deputy
Director
(07MAD)
Douglas Sears

Dep. Dir. Admin. & EDP
(06MAD)
Vincent Luca -00015

Administrative
Judges
(09MAD)

Administrative
Law Judges
(10MAD)

Dep. Director
Operations
(05MAD)

Office of
Conciliation
(06MAD)

Impartial Medical
Unit Mgr.
(04MAD)

Dir. of Legislative
Liaison & Communication
(04MAD)
Angela Constantine -00340

Judicial
Support
(02MAD)

Docketing
(10R39)

Scheduling
(10R39)

Hearing
Stenographers
(02MAD)

Finance &
Accounting
(05MAD)

Office of
Automation
(TPL)

Office of Admin.
Services
(03MAD)

Office of
Claims
Administration
(06MAD)

Lawrence
Region Office
(04MPM)

Worcester
Region Office
(04MPM)

Office of
Insurance
(05MAD)

Office of
Investigation
(06MAD)

Office of Education
& Rehabilitation
(06MAD)

Office of Safety
(02MAD)

Fall River
Region Office
(04MPM)

Springfield
Region Office
(04MPM)

1997 ORGANIZATION CHART



THE COMMONWEALTH OF MASSACHUSETTS

Department of Industrial Accidents

James J. Campbell, Commissioner

STAFFING HISTORY

	DIA	WCTF
1991		
Positions Authorized	302	17
Positions Filled A/O 30 January 91	270	2
1992		
Positions Authorized	332	17
Positions Filled A/O 30 January 92	264	7
1993		
Positions Authorized	332	17
Positions Filled A/O 30 January 93	301	8
1994		
Positions authorized	332	19
Positions Filled A/O 30 January 94	302	15
1995		
Positions Authorized	332	21
Positions Filled A/O 30 January 95	310	17
1996		
Positions Authorized	333	23
Positions Filled A/O 30 January 96	321	20
1997		
Positions Authorized	333	23
Positions Filled A/O 30 January 97	316	21



ADMINISTRATIVE SERVICES

Information and Support

ADMINISTRATIVE SERVICES

HIGHLIGHTS

- Boston office and Fall River regional office expanded leased their space.
- Amendments to leases were enacted as required.
- A new phone system with voice mail was purchased for Fall River Region Office.
- The Department's internal control procedures were updated.

ADMINISTRATIVE SERVICES

PHYSICAL PLANT

The main office of the Department of Industrial Accidents continues to be housed at 600 Washington Street in Boston. The Boston office leased space went through extensive renovations throughout the latter part of FY '97 and expanded their office space from 60306 square feet to 63069 square feet. The storage space was increased from 2500 square feet to 4000 square feet. The new lease rates, which will be \$22.95 per square foot for office space and \$5.25 per square for storage space, will take effect on July 28, 1997 (FY '98). The new lease takes effect on 7/28/97 and expires on 7/27/2002. The expansion allowed for additional work space for employees as well as additional storage space for records which allows the Department of Industrial Accidents to keep several files "in house" for easy access. In addition, the units within the Department of Industrial Accidents are now located on adjacent floors.

The Fall River Region Office completed renovations and expansion to their leased space at 30 Third Street in the first half of FY '97. The square footage increased from 6067 to 8040. The rate per square foot remains at \$10.00. The new lease went into effect 11/8/96 and expires 11/7/2001. The benefits of the expansion include additional workspace for employees and all direct services to the public are now provided on one floor.

There were no changes to the lease for the Lawrence Region Office, which is located at 11 Lawrence Street. The regional office occupies 5800 square feet at a cost of \$10.46 per square foot. The cost per square foot will remain constant until the lease expires in July of 1998.

The Springfield Region Office, located at 436 Dwight Street, has been housed in a state owned office building since January of 1995. The cost of the 5426 of square footage office space decreased on July 1, 1996 from \$9.25 to \$8.75 per square foot. The 589 square feet of storage space remains at \$3.00 per square foot. The Department of Industrial Accidents is a tenant at will and the rate per square footage is subject to change each July 1st.

The Worcester Region Office, located at 44 Front Street, extended their lease which expired on 9/30/96 for a one-year period with a new termination date of 9/30/97. The Department of Industrial Accidents pays for 7500 square feet at a rate of \$14.00 per square foot and the landlord provides an additional 433 square feet at no cost to the Department.

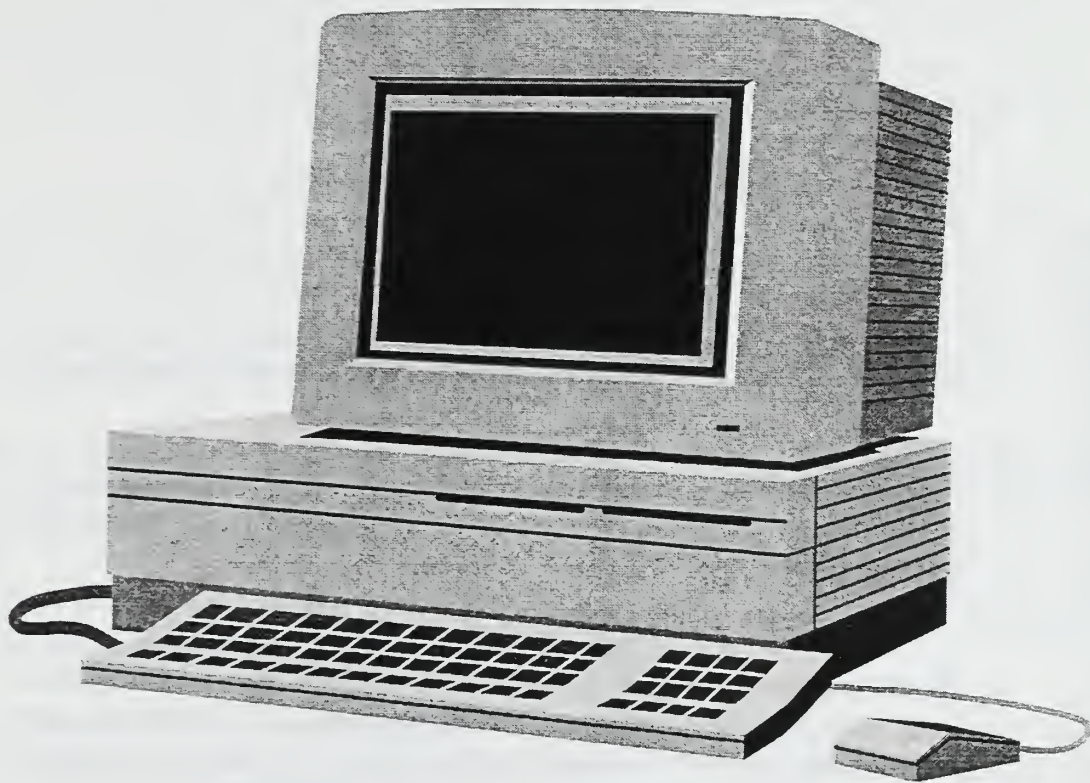
TELEPHONE SYSTEM

The telephone system software in the Boston Office has been updated as improvements became available throughout FY '97. Additional outlets and wiring have been installed and software changes have been made to accommodate the renovations and changes in users.

The Fall River Region Office purchased a new phone system and added a voice mail system. All regional offices now have voice mail.

INTERNAL CONTROL PROCEDURES

The Department Internal Control Plan, which is housed in our data processing system and in the Director of Administration's office, is updated annually by unit managers.



DATA PROCESSING

Keeping Pace with Technology

HIGHLIGHTS

- Upgrade Boston Netware server with faster components.
- Implemented ethernet switching, changing the Boston network design from “collapsed backbone” to “flat switched segments on a fast backbone”.
- Development of the plan to convert DIA Office Automation system from a Unix timeshared system (Officepower) to a PC Office suite (Microsoft Office.) This plan will complete the modernization of the information technology infrastructure at the DIA.
- Pilot project to evaluate Simple Mail Transport Protocol (SMTP).
- Pilot project to evaluate Lightweight Directory Access Protocol (LDAP).

DATA PROCESSING

The use of the computer system continued to grow with the creation of thirty-two new logins/user accounts on the Network. The size and the complexity of the computer system will continue to grow with the purchase of one hundred and fifty new PCs, four new servers for the region Offices, Office for Windows 95, Office 97 for Windows 95, and Access 97 for Windows 95.

The Network was improved by implementing ethernet switching, changing the design of the Boston network from "collapsed backbone" (router based, 4 LAN segments) to "flat switched segments on a fast backbone" (2 LAN segments, 10 BaseT switched nodes, 100 BaseT backbone). In addition the New Boston Server, which was purchased in FY96, was installed in FY97. The New Server contains a faster processor, a faster I/O system, raid 5 disk subsystem, and faster ethernet NICs.

Implemented a private LAN work-group server for the Office of Health Policy (OHP). Utilized free-ware LAN Manager clone to leverage existing Windows95 clients and UNIX server to provide a secure LAN work-group server at zero cost. Implemented SAS.

Pilot project to utilize the World Wide Web server to deliver server, network, and application administration information to the Data Processing Staff.

Development of the plan to convert DIA Office Automation system from a Unix timeshared system (Officepower) to a PC Office suite (Microsoft Office.) This plan will complete the modernization of the information technology infrastructure at the DIA. The major components of this plan are listed below.

TERMINALS - Replace all terminals with PCs.

SOFTWARE - Provide PC based office automation software for all staff.

ENS-BANYAN - Remove ENS-BANYAN and use Netware, so that Windows 95 can be deployed, current revs of software can be installed, and scarce client workstation memory can be freed.

ETHERNET - Expand the network's fast ethernet backbone, which will reduce the cost of network support.

ADMINISTRATION -

Bankruptcy Information

Reports - Weekly (1)

ADMINISTRATIVE SERVICES -

Datafile - Inventory of Furniture and Equipment

Internal Control Procedures

Reports - Weekly (1), Monthly (5)

ADVISORY -

Reports - Monthly (4)

Statistical Reports - Annual Statistics As Requested

CLAIMS -

Late FR Fines - Creating Datafiles Based on Billed Records

Freedom of Information Requests - Requests for tapes

Freedom of Information Requests - Requests to create new reports

Freedom of Information Requests - Requests to change a current report

Liens - Posted from tape

Reports - Daily (1), Weekly (12), Monthly (9), and Quarterly (1)

DATA PROCESSING -

Diameter - Analysis/Specs of Manager's Requests and FOI Requests

Diameter - Coding of Requests for Reports, Screens, and Functions

Diameter - Testing/Specs of New/Updated Reports, Screens, and Functions

Diameter - 36 new Reports were added to Diameter

Diameter - 24 current Diameter Reports were modified with new fields, sorts, formats, etc per manager's requests

Hardware - Purchased 150 17" PCs for the Agency

Hardware - Purchased 6 HP LaserJet printers

Hardware - Purchased the various hardware necessary to upgrade the System 690 to Enterprise 4001 (Ultra 4000)

Hardware - Purchased 4 Servers for the Regional Offices

Hardware - Installed New File Server for Netware in Boston with faster processor, faster i/o system, raid 5 disk subsystem, and fast ethernet NICS (Purchased in FY 96)

Hardware - Installed 2 CD/Towers (Purchased in FY 96)

Hardware - Installed 4 Ethernet Switches (24 port t100 Base TX) (Purchased in FY 96)

Network - Changed the Boston network design from "collapsed backbone" (router based, 4 LAN segments) to flat switched segments with a fast backbone (2 LAN segments, 10 BaseT switched nodes, 100 BaseT backbone)

DATA PROCESSING (Continued) -

Network - Redesigned the network/user's accounts so that any users with the proper rights can log into any Netware server on the network, regardless of the location (To Be implemented in FY98)

Network - Removed the restriction of the user's monitor type by implementing the Video Drivers Recognition C-Program, which enables the user (with proper rights) to log into any PC, regardless of the monitor type, to run windows and any other programs

Network - Installed Netscape for additional users

Network - Installed Sharkmail for additional users

Network - Upgraded Sharkmail to 3.x

Network - Installed 6 CD-ROM applications, giving respective users access to the LAW Library on CD-ROMs

Network - Installed Netscape Navigator giving respective users access to the Internet

Network - Implemented a visual basic program to improve network maintenance

Network - Regularly applied any current patches to update the Netware operating system

Network - Regularly upgraded all hardware drivers to maintain compatibility with the various programs running on the network

Software - Purchased Office for Windows 95 Upgrades

Software - Purchased Office 97 for Windows 95 Upgrades

Software - Purchased Access 97 for Windows 95 Upgrades

Study - Pilot project to evaluate SMTP (Simple Mail Transport Protocol) mail

Study - Pilot project to evaluate LDAP (Lightweight Directory Access Protocol) directory services

Study - Pilot project to utilize World Wide Web server to deliver server, network, and application administration information to Data Processing staff

DATA PROCESSING (Continued) -

Users - Provided ongoing Network/PC support

Users - Provided ongoing support/training for Diameter and Officepower

Users - Created 32 Network login/user accounts for DIA employees

Users - Updated 18 Regional login/user accounts to also have Boston accounts

Users - Created 14 Officepower login/user directories for DIA employees

Users - Created 20 Diameter login/users with the requested access/permissions to Diameter data and information for DIA employees

DISPUTE RESOLUTION -

Screens - Two Review Screens were updated, as requested

Scheduler - Number of conferences to be scheduled, was changed as requested

Scheduler - Conflicts were added to the conference scheduler, as requested

Reports - Six new Dispute (Conf, Hear, Lump) Reports Created on Diameter, as requested

Reports - Ten Dispute (Conf, Hear, Lump) Reports Updated on Diameter, as requested

Reports - Ten new Review Reports Created on Diameter

Reports - Five Review Reports Updated on Diameter

Reports - Two new Impartial Reports Created on Diameter

Reports - Four Impartial Reports Updated on Diameter

Reports - For Dispute-Mgmt - Weekly (8), Monthly (18), Quarterly (11)

Reports - For Docketing Unit - Daily (3), Weekly (2), Monthly (9)

DISPUTE RESOLUTION (Continued) –

Reports - For Judicial Support - Monthly (5)

Reports - For Scheduling Unit - Daily(6), Weekly (23), Monthly (8), Quarterly (8)

Reports - For Conciliation Unit - Daily (1), Weekly (11), Monthly (12)

Reports - For Impartial Unit - Daily (2), Weekly (12), Monthly (3)

FINANCIAL -

Reports - Ten New Reports Created on Diameter, as Requested

Reports - Six Reports Updated on Diameter, as Requested

Billing (Late Frs) - Weekly Demands (3 rpts), Monthly Bills (5 rpts), Monthly Collections (3 rpts)

Billing (Referral) - Weekly Demands (3 rpts), Monthly Bills (3 rpts), Monthly Collections (3 rpts)

Billing (Assessments) - Weekly Demands (6 rpts), Quarterly Bills (7 rpts)

Billing (Lock Box) - Daily (3 rpts)

Billing (Lock Box) - Daily down-load from the Bank to Financial in Diameter

HEALTH POLICY -

OHP Work Group Server

SAS

PCs

Software

Reports - Two new Reports Created on Diameter

Technical Assistance

INSURANCE -

Reports - Monthly (4)

LEGAL -

Reports - Weekly (1)

PERSONNEL -

Sick Time Tracking and Abuse Notification Letters

Technical Assistance

REGIONS -

Reports and Coversheets

Technical Assistance and Hardware

SAFETY -

Reports - As requested for Injury Information

Reports - Daily (1), Monthly (3)

TRUST FUND -

Reports - Daily (1) Quarterly (1)

VOC-REHAB -

Events - Two Events Updated on Diameter, as requested

Screens - One Screen Updated on Diameter, as requested

Reports - Three new Reports Created on Diameter

Reports - Three Reports Updated on Diameter, as requested

Reports - Daily (1), Weekly (3), Monthly (1)

FOI Requests - Analysis, Coding, Testing, Reports, Tapes

OUTSIDE AGENCIES -

Fraud Detection - Various

Social Security # Matches (Tapes) - DOR, Welfare, DMA

Data Exchanges (Tapes) - DOR (liens)

Reports - Weekly 3 Reports on Scheduled Cases - PERA, AG

Reports - Weekly 2 Rpts on Scheduled Cases - 7 State Agencies

Reports - Daily Report On Injuries - Attorney General

NEW REPORT PROGRAMS CREATED ON DIAMETER

BASE # RPTS	FY	FY	FY	FY	FY	FY	FY	FY	8 YR
7-1-89	90	91	92	93	94	95	96	97	TOTAL
Review	0	0	0	0	0	0	37	10	47
Dispute	43	11	6	23	20	18	12	2	98
Concil	17	1	0	0	3	0	0	0	4
Voc-Rehab	15	0	0	2	2	0	3	1	11
Billing	15	14	14	10	2	3	13	0	66
Events	22	4	5	3	2	0	3	0	17
Table/Misc	27	5	9	2	1	3	8	4	37
Impartial	0	0	0	1	25	8	7	0	43
Trust Fund	0	0	0	0	0	16	34	0	50
	<u>139</u>	<u>35</u>	<u>34</u>	<u>41</u>	<u>55</u>	<u>48</u>	<u>80</u>	<u>44</u>	<u>373</u>

REPORT PROGRAMS UPDATED ON DIAMETER

	FY	FY	FY	FY	FY	FY	FY	FY	8 YR
	90	91	92	93	94	95	96	97	TOTAL
Review	0	0	0	0	0	0	5	5	10
Dispute	20	17	22	23	18	4	6	5	115
Concil	10	5	9	3	36	1	0	0	34
Voc-Rehab	5	4	0	1	0	3	0	3	16
Billing	9	7	7	11	16	22	5	6	83
Events	5	10	5	0	1	1	0	0	22
Table/Misc	5	8	3	0	0	6	0	1	23
Impartial	0	0	0	13	8	1	1	4	27
Trust Fund	0	0	0	0	0	13	0	0	13
	<u>54</u>	<u>51</u>	<u>46</u>	<u>51</u>	<u>49</u>	<u>51</u>	<u>17</u>	<u>24</u>	<u>343</u>

REPORT PROGRAMS CREATED/UPDATED ON DIAMETER

	FY 90	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97	8 YR TOTAL
Review	0	0	0	0	0	0	42	15	57
Dispute	31	23	45	43	36	16	8	11	213
Concil	11	5	9	6	6	1	0	0	38
Voc-Rehab	5	4	2	3	0	6	1	6	27
Billing	23	21	17	13	19	35	5	16	149
Events	9	15	8	2	1	4	0	0	39
Table/Misc	10	17	5	1	3	14	4	6	60
Impartial	0	0	1	38	16	8	1	6	70
Trust Fund	0	0	0	0	16	47	0	0	63
	<u>89</u>	<u>85</u>	<u>87</u>	<u>106</u>	<u>97</u>	<u>131</u>	<u>61</u>	<u>60</u>	<u>716</u>

NEW SCREEN PROGRAMS CREATED ON DIAMETER

BASE #	SCRNS	FY 90	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97	8 YR TOTAL
7-1-89										
Review	0	0	0	0	0	0	0	18	0	42
Dispute	18	1	0	1	8	1	0	0	0	11
Concil	2	0	0	0	0	0	0	0	0	2
Voc-Rehab	29	0	0	6	0	0	1	1	0	8
Billing	13	2	2	0	1	0	0	0	0	5
Events	29	4	1	1	0	0	0	0	0	6
Table/Misc	32	0	0	0	0	0	0	0	0	0
Impartial	0	0	0	0	8	0	0	0	0	8
Trust Fund	0	0	0	0	0	30	5	0	0	35
	<u>123</u>	<u>7</u>	<u>3</u>	<u>8</u>	<u>17</u>	<u>31</u>	<u>6</u>	<u>19</u>	<u>0</u>	<u>91</u>

SCREEN PROGRAMS UPDATED ON DIAMETER

	FY 90	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97	8 YR TOTAL
Review	0	0	0	0	0	0	6	2	8
Dispute	14	7	13	3	8	1	0	0	46
Concil	2	2	2	0	0	0	0	0	6
Voc-Rehab	5	3	0	0	0	0	2	3	13
Billing	2	6	1	0	0	0	0	0	9
Events	16	11	8	6	15	0	0	0	56
Table/Misc	4	4	0	0	0	0	0	0	8
Impartial	0	0	0	2	1	3	0	0	6
Trust Fund	0	0	0	0	0	1	0	0	1
	<u>43</u>	<u>33</u>	<u>24</u>	<u>11</u>	<u>24</u>	<u>5</u>	<u>8</u>	<u>5</u>	<u>153</u>

SCREEN PROGRAMS CREATED/UPDATED ON DIAMETER

	FY 90	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97	8 YR TOTAL
Review	0	0	0	0	0	0	24	2	26
Dispute	15	7	14	11	9	1	0	0	57
Concil	2	2	2	0	0	0	0	0	6
Voc-Rehab	5	3	6	0	0	1	3	3	21
Billing	4	8	1	1	0	0	0	0	14
Events	20	12	9	6	15	0	0	0	62
Table/Misc	4	4	0	0	0	0	0	0	8
Impartial	0	0	0	10	1	3	0	0	14
Trust Fund	0	0	0	0	30	6	0	0	36
	<u>50</u>	<u>36</u>	<u>32</u>	<u>28</u>	<u>55</u>	<u>11</u>	<u>27</u>	<u>5</u>	<u>244</u>

NEW EVENT TYPES ON DIAMETER

BASE	FY	FY	FY	FY	FY	FY	FY	FY	8 YR
7-1-89	90	91	92	93	94	95	96	97	TOTAL

28	2	1	4	3	0	1	5	0	16
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C37	NOFR	S15	AW	R15	APR
WFP		VSUIT	OPTM		RVPTC
		ARB	MHEAR		RVPAN
		PEND			RVOA
					NE30G

NUMBER OF EVENTS ENTERED ON DIAMETER

FY 90 - 302,688	FY 91 - 318,328	FY 92 - 308,385
FY 93 - 300,950	FY 94 - 313,791	FY 95 - 323,583
FY 96 - 277,364	FY 97 - 269,685	

NEW COMPUTER EQUIPMENT RECEIVED

BASE	FY	FY	FY	FY	FY	FY	8 YR
#equip	90	92	94	95	96	97	TOTAL
7-1-89 -91		-93					

Terminal	218	0	52	0	0	0	0	52
PC	6	0	20	116	132	20	150	438
Lap Top	3	2	0	15	0	0	0	17
Laser	13	14	4	12	6	0	6	42
Mini Comp **2	0	0	2	0	0	0	0	2
File Serv	0	0	0	6	0	1	4	11
Scanner	0	0	0	2	2	0	0	4
	242	16	78	151	140	21	160	566

** CCI Mini Computers which were replaced by Sun Mini Computers.



FRAUD PREVENTION

Benefits All but the Dishonest

FRAUD PREVENTION

HIGHLIGHTS

- FY '97 investigations continued to increase in numbers, While Stop Work Orders are declining - the best of both worlds.
- Between 1994 and 1997 employees under workers' compensation coverage increased dramatically, by an estimated 250,000 workers.
- Debt collection efficiency and effectiveness Continued to improve.
- Information exchanges between State agencies continues to ensure that State monies are paid appropriately.
- Cooperation with the Fraud Bureau (established by the Weld/Cellucci Reform Act 1991) continues to result in substantial savings and a measurable reduction in workers' compensation fraud.

FRAUD PREVENTION

Since the Workers' Compensation Reform Act of December 1991, substantial and measurable progress has been made in fraud prevention. While every element of DIA is concerned with, and participates in, fraud reporting prevention, this section will address our innovations and results.

In the area of employer fraud from in FY97, DIA conducted 22,688 investigations resulting in 2,338 Stop Work Orders (SWO). Compared with the pre-reform act average of 26 SWO per year, there has been a substantial increase in fraud detection and prevention. From FY94 - FY97 the direct result was an estimated 250,000 workers brought under the workers' compensation insurance coverage (indirectly we estimate several thousand more were brought under the coverage as a result of our increase enforcement). The Workers' Compensation Rating and Inspection Bureau credits our efforts as a major contributor to W.C. premium reductions in over the past few years. Over the past four years the average premium for Massachusetts's employers decreased by near 40%.

Efforts prior to 1992 were half hearted, at best, in pursuing and collecting from employers failing to carry Workers' Compensation insurance that had employees injured on the job. In place and operating now is an automated billing and collection system which assures timely billing, referral to collection agency and, if appropriate, court action.

The Department of Industrial Accidents has established agreements with other state agencies such as the Department of Transitional Assistance, the Division of Medical Assistance, and the Department of Revenue to combat fraud. As an example, in FY97 the Child Support Enforcement Division of the DOR placed approximately 1,026 liens on DIA settlements, collecting \$1,376,632.00 from "Deadbeat Dads".

The workers' compensation element of the insurance industry funded Insurance Fraud Bureau was established in 1991. The public is directed to contact the Bureau for reporting fraud. The Department's telephone system directs callers reporting fraud to call 1-800-32FRAUD (the Bureau's hotline). Since the Reform Act, DIA is credited with providing approximately 9% of the referrals to the Insurance Fraud Bureau. The Attorney General has stated that prior to 1991 there was only one criminal prosecution for workers' compensation fraud. While subsequent to 1991, 32 cases have been prosecuted by the AG's Criminal Bureau. There has been a dramatic decrease in claims filed with DIA since the Reform Act (a decrease from 40,575 in 1991 to 21,371 in 1997). That decline can be, in part, attributed to our fraud prevention efforts.

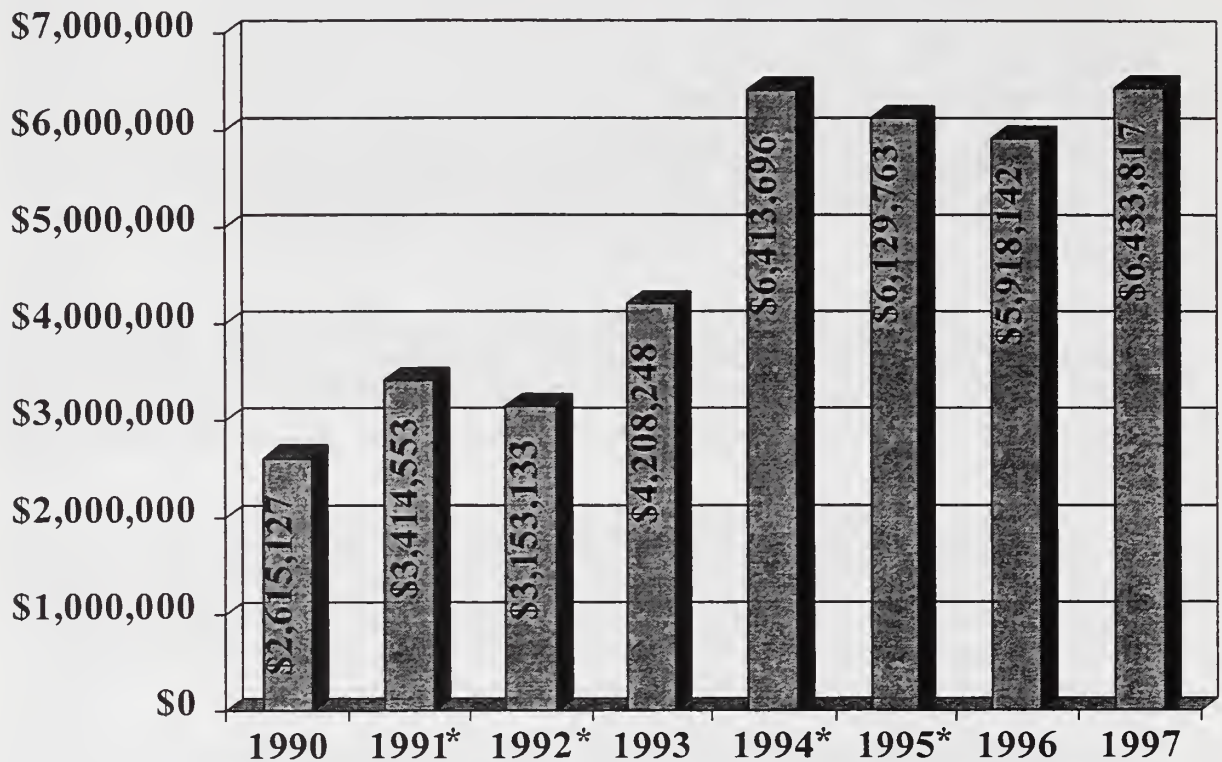


THE COMMONWEALTH OF MASSACHUSETTS

Department of Industrial Accidents

James J. Campbell, Commissioner

Office of Finance & Accounting



Fiscal Year
TOTAL DEBT COLLECTION

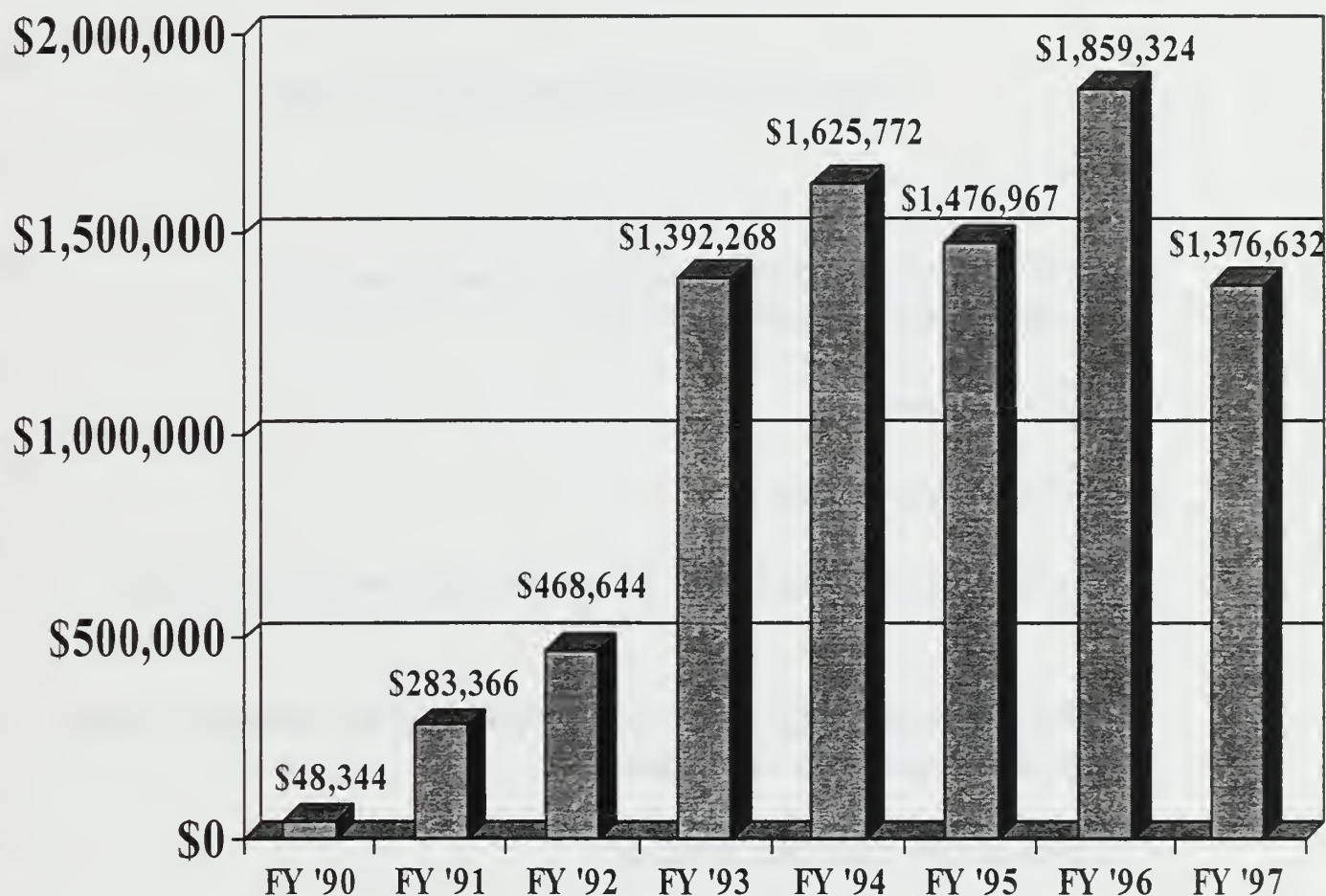
* Note: Corrected to reflect the more accurate data now available.
These bar graphs may differ from previous annual reports.

Source Dept of Industrial Accidents, Commonwealth of Massachusetts

Prepared: March, 1998



THE COMMONWEALTH OF MASSACHUSETTS
Department of Industrial Accidents
James J. Campbell, Commissioner



COLLECTIONS FOR D.O.R.
CHILD SUPPORT ENFORCEMENT DIVISION

SOURCE: Dept. of Revenue, Commonwealth of Massachusetts

Prepared: June, 1998



THE COMMONWEALTH OF MASSACHUSETTS

Department of Industrial Accidents

James J. Campbell, Commissioner

FRAUD PREVENTION FY '97

-- **STOP WORK ORDERS** to employers who do not have
Workers' Compensation Insurance.

- 22,688 investigations
- 2,338 Stop Work Orders
- 250,000 workers brought under Workers' Comp. Insurance umbrella

-- **PURSUIT AND COLLECTION OF DEBT** for the Workers' Comp.
Trust Fund and other state agencies.

- Increased debt collection sustained
- \$1,376,632 collected from "Dead Beat Dads."
- FY '97 total collection = \$5,732,116



OFFICE OF LEGAL COUNSEL

Knowledge of the Law

HIGHLIGHTS

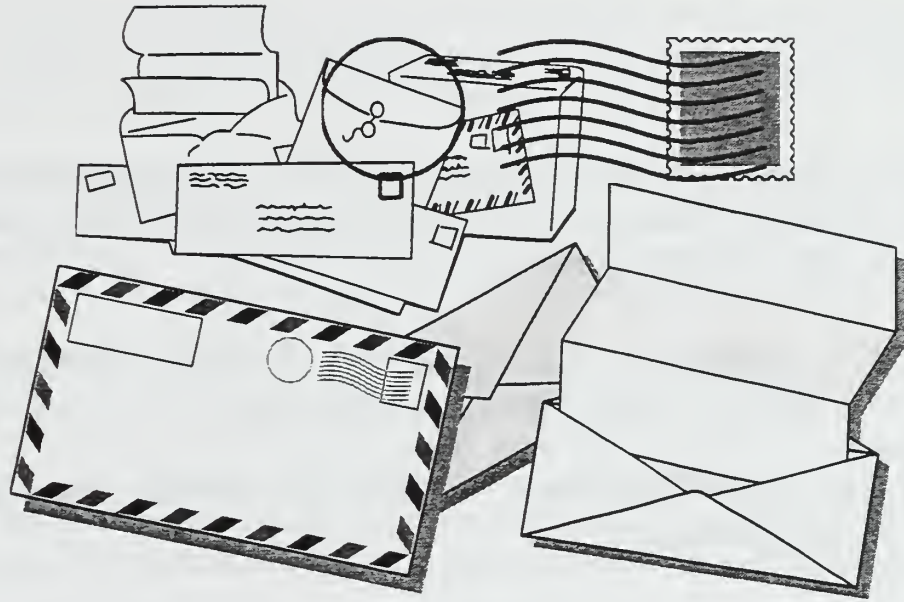
- Increased volume of litigation involving the DIA due to current challenges to the '91 Reform Act.
- Communication and cooperation with other departments increased Freedom of Information Act request responses, Stop Work Orders and Criminal Complaint Issuance.
- Authority to represent Workers' Compensation Trust Fund expanded.
- Continued growth experienced in WCTF uninsured caseload and disposition levels.
- Increased civil and criminal litigation involving uninsured employers by In-house Special Assistant Attorney Generals.

OFFICE OF LEGAL COUNSEL

The Department's General Counsel reports to the Commissioner. The General Counsel is assisted by three legal counsels, a legal assistant and an administrative assistant. Together these positions form the Department's Office of Legal Counsel which is established pursuant to M.G.L. c. 23E (10).

The Office serves two major functions on behalf of the Department. As part of its function as counsel to the Department, the Office advises the Department on a whole range of matters from rule making to inter-agency affairs. The Office also facilitates the Department's legal representation in actions filed by, or against, the Department, and assists in the provision of public information. The Office of the General Counsel is regularly designated by the Commissioner to conduct certain administrative appeals, particularly those relating to insurance coverage and referral fee payments. The General Counsel also serves in the capacity of Special Assistant Attorney General.

As part of its function as counsel to the Workers' Compensation Trust Fund (WCTF), the Office works with the WCTF staff to oversee investigations, claims handling and defense of the Trust Fund on claims or reimbursement requests brought under the provisions of the Workers' Compensation Act.



CLAIMS ADMINISTRATION

Filing and Recording

HIGHLIGHTS

CLAIMS ADMINISTRATION

- Currently there is no backlog in Administrative Inquires, Fine Violations, Form Processing, Data Entry, Form Filing and Record Keeping.
- Continue decline in Claims AFTER Governor Weld's Workers' Compensation Reform Act.
- Claims Processed within 24 Hours for Scheduled Conciliation's.
- Continued Cooperation with other State Agencies on Data Information/Exchange and use of Third Party Liens have resulted in substantial savings.
- Aggressive Education and awareness to Employers on filing First Reports and Violations.
- Database duplication "cleanup."
- Improved relations with Insurance Companies' Representatives.
- DIA's New File Folder Conversion (current five years completed).
- Phase II of Record Room Expansion completed in FY97 and Final Phase underway.

OFFICE OF CLAIMS ADMINISTRATION

The Office of Claims Administration (OCA), the "starting point" for the Department of Industrial Accidents, is comprised of the following units: Administrative Office, First Report Compliance, Claims Processing Unit, Data Entry and the Record Room.

Claims Administrations' role in FY '97 remained solid as a result of past legislative, technical and administrative changes. All units were successfully working together as a team supporting each other which played a significant role in meeting OCA's requirements, increased productivity, special projects and enforcing work quality.

As FY '97 closed, OCA's goal was to continue to operate collectively to achieve the maximum production level possible while maintaining a high standard of quality. As the year ended, all units were current in workload processing (as defined by each unit's operational functions) and produced quality work. Opportunities for new technology is of interest to OCA in the future. Special projects and goals during this fiscal year were being developed and implemented. The following is a summary of each OCA unit:

Administrative Office

One of the major functions of this office is to act as the Keeper of the Records for the DIA. There was an increase during FY '97, in the number of requests for workers' compensation certified/file copies and Freedom of Information from employees and interested parties.

As Keeper of the Records for the DIA, this office is responsible for processing subpoenas, holding in-house depositions and representing DIA for court subpoenas (unless otherwise directed by the courts).

This office interacts on a daily basis with the DIA's Legal Counsel, Senior Judge of the Division of Dispute Resolution as well as various divisions within the DIA, Department of Employment Training, Division of Insurance, Attorney General's Office, Secretary of State and other various governmental agencies, constitutional offices and outside parties.

First Report Compliance Office

All Employers are required to file a First Report of Injury Form within seven calendar days of receiving notice of any injury alleged to have arisen out of and in the course of employment which incapacitates an employee from earning full wages for a period of five or more calendar days. Employers who violate this provision of M.G.L. Chapter 152, Section 6, three or more times in any year shall be punished by a fine of one hundred dollars for each such violation. Each failure to pay a fine within thirty days of receipt of a bill from the Department shall be considered a separate violation.

After notice of a third violation, each individual violation goes through a five step billing process thirty days apart. A total of four demand notices may be sent if the original violation is not paid nor appealed. If compliance is not met at the fourth and final demand level, referral is submitted to a collection agency. As a result of aggressive duration awareness, First Report fine violations have decreased, and employers are appealing or paying within the mandatory 30 day time frames.

Pursuant to 452 CMR 7.04, OCA is required to process all complaints regarding controversial claims handling practices. The complaints are reviewed and an investigation is conducted and a finding is rendered on behalf of the DIA. If necessary, complaints will be referred to other agencies and/or divisions within the state for further review.

This office serves as liaison to the Insurance Fraud Bureau and provides support to IFB investigators on Departmental workers' compensation cases.

Claims Processing Unit

The Claims Processing Unit (CPU) is responsible for the processing of all incoming DIA prescribed forms as well as general mail with no specific addressee. The CPU is the very important first step in the processing of those DIA forms submitted which, after being data entered, will result in some sort of adjudicatory action.

The CPU has four major functions: to open, sort and date stamp daily all mail that comes into the Office of Claims Administration (OCA); to review (pre-screen) forms for accuracy and completeness according to standards established by the OCA; to return to sender those rejected forms that do not meet established standards; to do research on the computer using Diameter to determine current case status and/or case location for forwarding and attachment of forms and case letters/medicals to case files in other divisions and offices of the Department for appropriate action.

As FY97 came to a close, the number of incoming forms and other correspondence remained stable from last fiscal year. A weekly average would consist of approximately 4500 transactions. As FY97 ended, the CPU processed forms within a day upon mail receipt. Improved communicative relations and educational support on DIA regulations continue with insurance companies; namely, claims representatives in form usage. Pilot acceptances of First Reports and insurance forms via computer fax were executed during FY97.

Data Entry Unit

The Data Entry Unit is responsible for entering all Departmental forms into Diameter's database. This unit receives all claims, reports and forms from the Claims Processing Unit (CPU). Data Entry performs an automated review for either case creation or update,

ensures that duplicate forms are not contained in the database and that all necessary forms have been entered accurately. This unit captures all pertinent data on Workers' Compensation cases. This allows the database to track each individual case from the initial submission of a First Report to the conclusion of a case.

All data entered into the DIA's database generates information and statistical reporting for the Office of Safety, (fatalities and injury types); OEVR, (rehab referrals); Investigation and Workers' Compensation Trust Fund (WCTF), (uninsured employers); as well as with the Department of Revenue's Child Support, (award for liens collected); the Department of Transitional Assistance, (provides matches with employees in pay status); the Department of Public Health as well as with the Attorney General's Office, (injuries and illnesses in the workplace).

Claims are processed within a 24 hour period, scheduling conciliations. Claims continue to decline from FY95 and FY96. As FY97 ended, all transactions received in this unit from the previous day are processed.

A high volume of duplications have occurred over the years due to misconstrued information from various sources and Data Entry's importance is focused on deleting and consolidating duplicate cases not only in the database but also on case records. In the emphasis of quality data, this unit reexamines all transactions prior to the release of scheduled notices and violations.

Record Room

The Record Room is the central depository for all Departmental case files and transactions produced by our four (4) Regional Offices as well as Boston. The Record Room, located in DIA's Boston office, is responsible for filing all Departmental forms after Data Entry input, retrieving and keeping track of all files and documents pertaining to cases in the Dispute Resolution process as well as other divisions in the Agency.

All transactions are filed within 24-36 hours of Record Room receipt; and scheduled judicial proceedings (two - six weeks out), are retrieved within 48 hours.

Quality work remains a priority in spot checking case files in line with DIA's case tracking system. In FY97, the Record Room completed a large portion of its case file conversion, another phase of modernization. At the close of FY97, a storage room was completed within the DIA building to retain eight (8) years of records on site and expansion plans for the Record Room were underway.

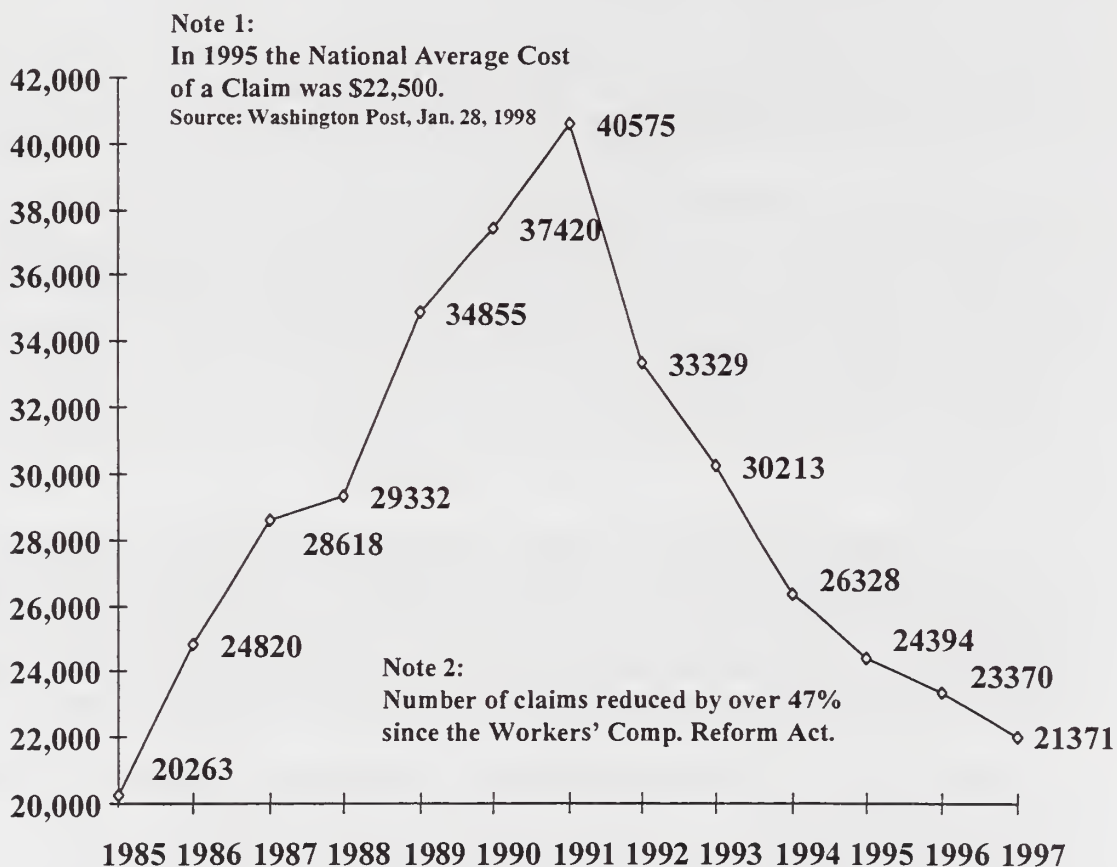


THE COMMONWEALTH OF MASSACHUSETTS

Department of Industrial Accidents

James J. Campbell, Commissioner

Office of Claims Administration



Workers' Compensation Claims Filed

Commissioner James J. Campbell
Commonwealth of Massachusetts
Department of Industrial Accidents
Prepared: February, 1998

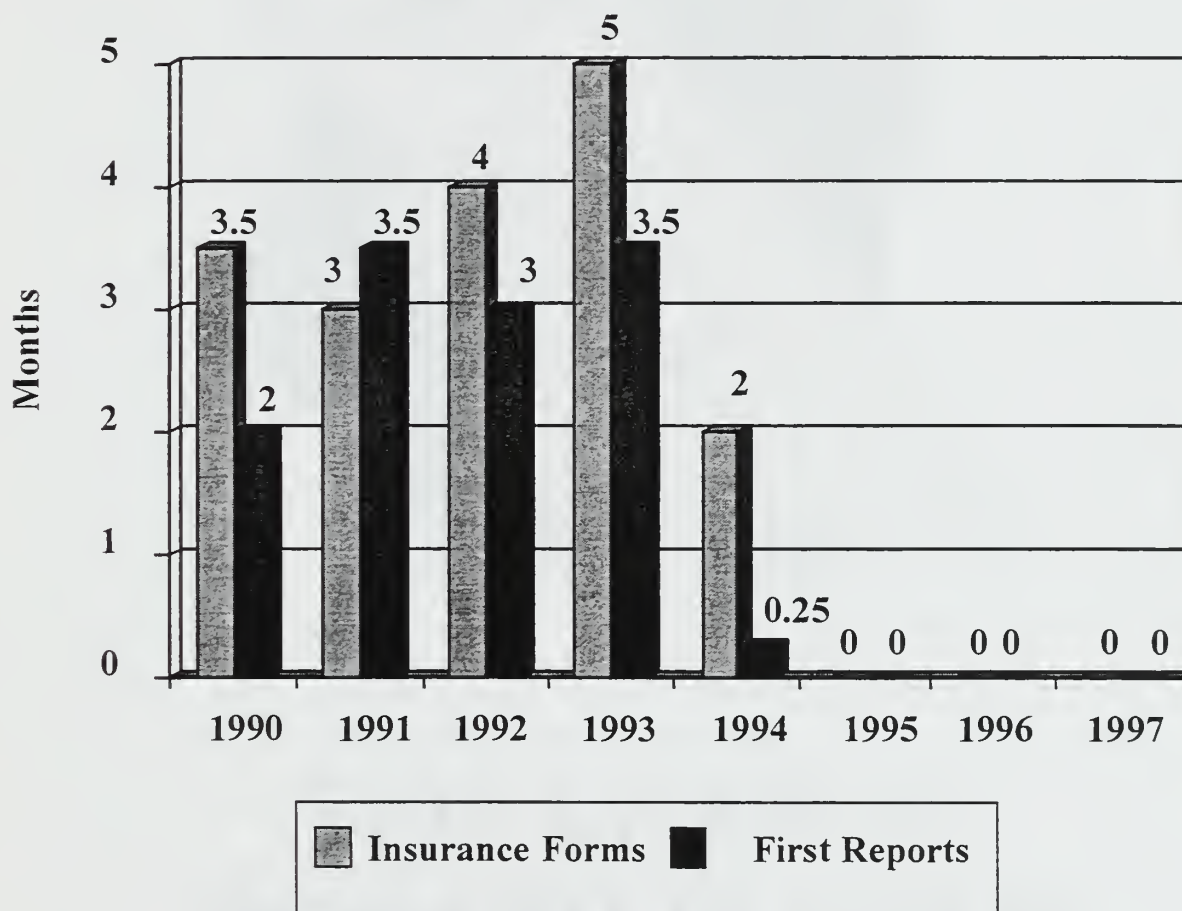


THE COMMONWEALTH OF MASSACHUSETTS

Department of Industrial Accidents

James J. Campbell, Commissioner

Office of Claims Administration



Data Entry Backlog History

Source: Dept. of Industrial Accidents, Commonwealth of Massachusetts
Prepared: June 1997





VOCATIONAL REHABILITATION

A Swift Return to Work

HIGHLIGHTS

- Referrals For Vocational Rehabilitation Services Declined
- Percentage of Cases in Which OEVR Conducts Team Meetings Increase
- Changes to OEVR Regulations, Including Upgrading of Provider Qualifications Proposed
- Enhanced Quality Control Measures Implemented
- Additional OEVR Determinations Incorporated Into Data Base

EDUCATION AND VOCATIONAL REHABILITATION

The Office of Education and Vocational Rehabilitation (OEVR) oversees the provision of non-medical vocational rehabilitation services to injured workers. The office is presently headed by a Director and is staffed by twelve (12) Rehabilitation Review Officers, seven (7) Disability Analysts and five (5) Clerks who provide services at the main office in Boston and at the four (4) Regional Offices.

The office annually approves vocational rehabilitation specialists who meet professional, educational and other established requirements. The office accepts applications for approval on a year-round basis and annually issues a list of all approved providers. Eighty-eight (88) such providers were approved during FY97. The number of approved providers may continue to decrease in the future in response to trends in claims filings, the increased use by insurers of providers who offer multiple services relating to workers' compensation and other disability claims and the further enhancement of approval criteria.

Rehabilitation Review Officers (RROs) interview prospective candidates at a mandatory meeting to determine suitability for vocational rehabilitation services. RROs then request insurers or self-insurers to assign providers approved by OEVR to suitable candidates. The RROs monitor the quality and cost-effectiveness of services through a review of all Individual Written Rehabilitation Programs (IWRPs) and reports submitted by the approved providers. The RROs also conduct team meetings to identify problems and restore or redirect the rehabilitation process towards a successful conclusion. The percentage of team meetings has climbed over the past few years to where they presently occur in nearly forty per cent (40%) of those cases referred to insurers and self-insurers for vocational rehabilitation.

The Director, on behalf of the Commissioner, reviews all appeals relating to determinations of suitability. Of the ten (10) appeals reviewed in FY97, one (1) was granted and nine (9) were denied. The Director, on behalf of OEVR, issues consents to lump sum settlements in cases where the employee has been deemed suitable for vocational rehabilitation services but has not completed an approved program or returned to continuous employment for a period of six (6) or more months. In FY97, four hundred and sixteen (416) consents were issued.

The Director, on behalf of OEVR, also issues authorizations for suspension of weekly benefits under §. 30G for failure to attend mandatory meeting and also issues decisions relating to requests to reduce employee's weekly compensation by fifteen per cent (15%) for refusal to participate in vocational rehabilitation. In FY97, thirty-five per cent (35%) of the thirty-seven (37) reduction requests were authorized and thirteen (13) suspensions were issued of which ten (10) such suspensions were later lifted. Suspension of benefits were incorporated into the data base in FY97.

Of the three thousand two hundred and sixty-six (3,266) cases referred to OEVR in FY97, seventy-five per cent (75%) resulted in a mandatory meeting for a determination of suitability for vocational rehabilitation services. The other twenty-five per cent (25%) were screened out for reasons that include the non-establishment of liability or that the employee was not on compensation. Thirty-six per cent (36%) of those screened-out cases were provided informational meetings by OEVR personnel in order to render further informational assistance to those who were not presently suitable for vocational rehabilitation benefits.

Of those injured workers seen for a mandatory meeting, forty-five per cent (45%) were referred to the insurer/self-insurer with a request to initiate vocational rehabilitation services by an OEVR approved provider. The others were not referred either because: no liability had been established, there were no ongoing payments of available weekly compensation, there had been a release by the treating physician to return to work, the employee did not have significant functional limitations or was too severely disabled, or it was otherwise determined that the provision of reasonable and necessary vocational rehabilitation services was not feasible.

Of those cases referred by OEVR to insurers or self-insurers for vocational rehabilitation services, sixty-three per cent (63%) had IWRPs approved by OEVR resulting in forty-six per cent (46%) successfully returning to work. Approximately eighteen per cent (18%) of those injured workers who successfully returned to employment following completion of vocational rehabilitation returned to work with the same employer. Overall, approximately sixteen per cent (16%) of those completing vocational rehabilitation received retraining. These statistics may continue to be affected in the future by state and federal laws emphasizing return to work with the former employer and with increased impetus for reasonable accommodation/job modification under the Americans With Disabilities Act.



THE COMMONWEALTH OF MASSACHUSETTS

Department of Industrial Accidents

James J. Campbell, Commissioner

OFFICE OF EDUCATION AND VOCATIONAL REHABILITATION

<u>FY</u>	<u>Referrals to OEVR</u>	<u>Mandatory/Inform. Meetings</u>	<u>Referrals to Insurer for VR</u>	<u>Individual Written Rehab. Prog. approved</u>	<u>Return to work</u>	<u>Success Rate (% of Return to Work after plan development)</u>
90	6,893*	2,810	1,778	930	376	40%
91	6,328*	2,887	1,817	952	493	51%
92	6,014	3,367	2,106	1,010	583	58%
93	4,494	3,882	2,253	1,078	554	51%
94	3,756	3,190	1,706	948	470	50%
95	3,219	2,833	1,370	811	391	48%
96	3,347	2,653/119	1,185	727	364	50%
97	3,266	2,455/292	1,094	690	320	46%

*estimated from available records



HEALTH CARE SERVICE BOARD

Quality Medical Care

HIGHLIGHTS

- Health Care Services Board continued to receive complaints in FY '97 and closed 43 complaints against practitioners
- HCSB began work on two new guidelines for medical treatment
- HCSB received final endorsement on two new pain guidelines
- HCSB participated in a major research study on the efficacy of medical treatment guidelines
- HCSB re-examined existing impartial physician criteria and voted to require specialty board certification as roster requirement

Health Care Services Board

The Health Care Services Board (HCSB) met throughout FY97, discharged its statutory responsibilities with regularity, and continued to assist the Commissioner and the Department with the implementation of multiple medical initiatives stemming from the Weld-Cellucci workers' compensation reforms of 1991.

In FY97, the HCSB continued to receive, investigate and resolve complaints against health care practitioners providing medical services to injured workers under M.G.L. c.152. This year, considerable time was spent with counsel further refining the Board's formal provider complaint guidelines. Procedures were adopted for noticing the Senior Judge on any Board action involving practitioners on the §§8(4) and 11A rosters, and for responding to practitioner issues when cc'd by the Senior Judge. In addition, a new HCSB complaint form tied to the Board's AccessTM database was created, and a 3-year period of submission for §13(3) complaints was established. In FY97, the HCSB closed a total of 43 complaints against practitioners, the highest in any year since being given the responsibility in 1991.

In addition to an annual review and endorsement of the original 25 medical treatment guidelines in FY95, the HCSB continued work on two guidelines already four years in the development process: Chronic Neuromusculo-Skeletal Injury and Chronic Pain. It also began work on a first-of-its-kind Occupational Asthma Guideline and formed volunteer development subgroups to work on revisions to four of its existing Guidelines, Carpal Tunnel Syndrome, Carpal Tunnel (Surgical) Release, and Neck and Back (Spinal). Injuries at 0 to 6 and 7 to 12 weeks. After receiving their final endorsement by the Board in August, the two pain guidelines were adopted by the Department for October 1 implementation, only to be quickly enjoined in litigation. As a consequence, a great deal of Board, counsel, and staff time was spent in the HCSB decision to put all its other treatment guideline work on hold. In the time remaining, the Board was able to reexamine and further refine its overall, 16-step, treatment guideline development process.

Separately, in cooperation with the Department and the Public Employee Retirement Administration Commissioner (PERAC), a major research study was completed in FY97 by experts from the Harvard School of Public Health, Brigham and Women's Hospital and Harvard Medical School, the University of Pittsburgh Medical Center, and the University of Arizona. In part, the study substantially validated the efficacy of the HCSB's medical treatment guidelines when used in Massachusetts' statewide mandatory utilization review program. Using the Board's neck and back guidelines particularly, research analysis indicated a greater than 70% reduction in the median number of claims pre and post implementation of the Commonwealth's utilization review and quality assessment regulations. Next, these researchers intend to publish their results nationally.

With respect to the HCSB's responsibility for establishment of the criteria for the Department's Impartial Physician roster, the Board again re-examined the existing impartial criteria in FY97 and voted to require specialty board certification as an eligibility requirement for the §11A roster. The HCSB also looked at playing more of a quality assessment/assurance role with respect to individual roster physicians and the criteria in general. During the year, the Board also examined the proper role for medical residents- and fellows-in-training that may be working with physicians on the impartial

roster as part of their academic training. It also examined possible conflicts of interest in IME advertising practices for physicians on the impartial roster and revisions to the standard impartial physician's contract itself. Finally, the Supreme Judicial Court ruled favorably this year on the constitutionality of M.G.L. c. 152's §11A impartial physician program.

In related developments, the HCSB both lost and gained a member in FY97, lost and regained its staff support as well, and in an effort to enhance Departmental communication between its two advisory boards, delegated the HCSB's executive director as its permanent liaison to the Workers' Compensation Advisory Council.



Impartial Physician Program

Appeals of Conferences

IMPARTIAL PHYSICIAN PROGRAM

HIGHLIGHTS

- **510 physicians participating as of close of FY '97.**
- **4605 impartial physicians exams scheduled in FY '97.**

IMPARTIAL UNIT

The Impartial Unit was established in 1992 pursuant to M.G.L. c.152, ss.11A, (2), 8(4) and is responsible for scheduling, monitoring and managing medical examinations. This function includes receiving and entering appeals, filing fees, examinations and refunds. The Impartial Unit's recurring budgetary expenses include depositing filing fees, requesting payment to be issued to physicians, requesting refunds of filing fees, supplies and other general offices expenses. The unit is headed up by the Impartial Unit Manager and a staff consisting of two accountants, one administrative assistant, and seven clerks.

Employees are examined by an impartial physician who has been screened and placed on the Impartial Physician Roster. The physicians on this roster have met the criteria of the Health Care Service Board and are approved by the Senior Judge and a Judges' subcommittee. The one examination system with a qualified physician expedites timely resolutions of cases. An employee will receive benefits and treatment when warranted, and insurers will no longer pay for extended and unreasonable care.

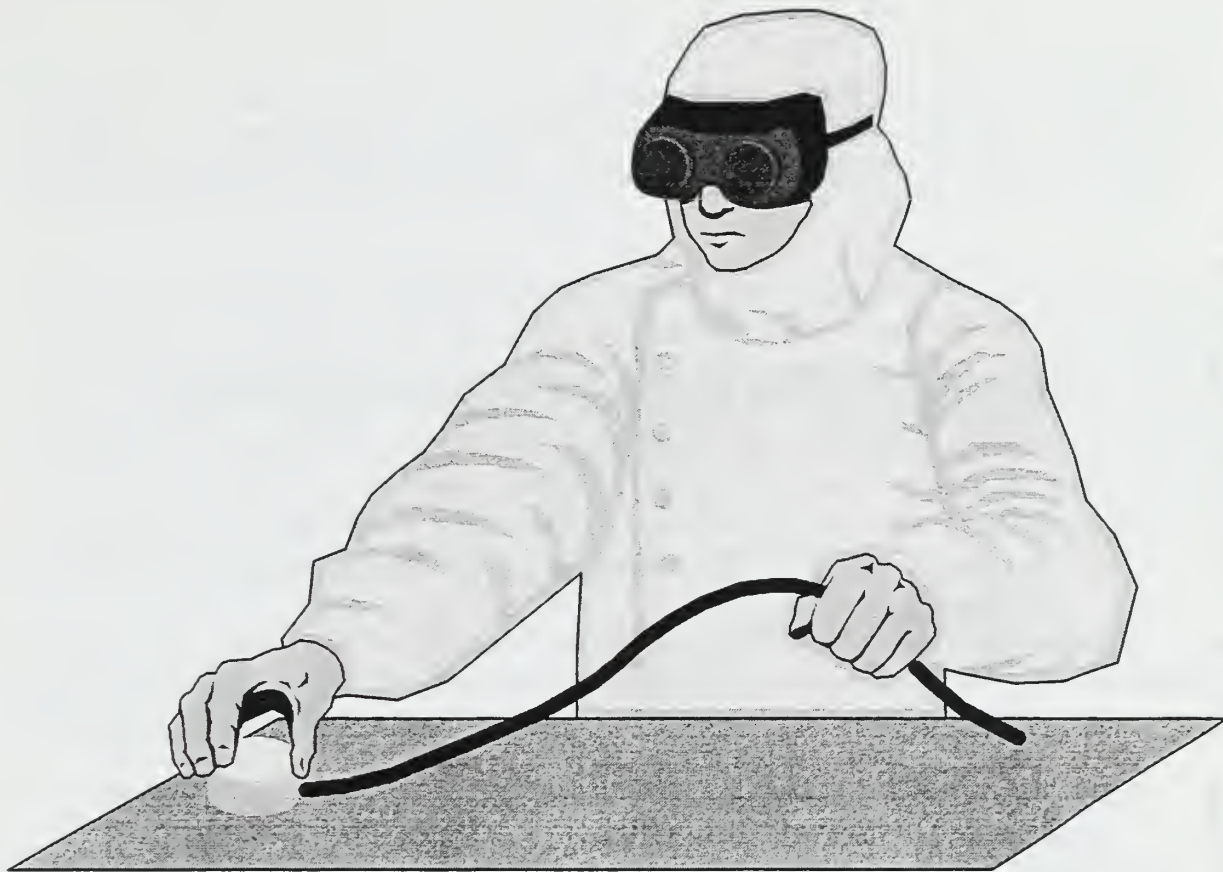
Fiscal year 1997 saw a resource of up to 510 physicians, representing 36 medical specialties, available to examine injured employees with some 4,605 exams completed by the DIA's roster of impartial physicians.



THE COMMONWEALTH OF MASSACHUSETTS
Department of Industrial Accidents
James J. Campbell, Commissioner

IMPARTIAL PHYSICIAN PROGRAM

	<u>FY93</u>	<u>FY94</u>	<u>FY95</u>	<u>FY96</u>	<u>FY97</u>
MD's Under Contract	203-354	354-581	581-510	531	510
Specialties	36	36	36	36	36
Exam Scheduled	5,448	7,787	7,618	7,651	6,784
Exams Completed	3,229	4,804	4,787	5,734	4,605
Refunds	356	355	479	432	381



OFFICE OF SAFETY

Promoting a Safe Workplace

HIGHLIGHTS

- The Office of Safety received an additional \$200,000.00
- 32 grants in FY '97 resulted in the training of 11,898 employees
- Over 95% of the participants rated the program they attended as excellent or good.

OFFICE OF SAFETY

The Office of Safety provides Occupational Safety and Health Safety and Educational Training for employees and/or employers of industries operating within the Commonwealth and whose entire staff is covered under the Massachusetts Workers' Compensation Law (M.G.L. 152).

Under the Provisions of Massachusetts General Law, Chapter 23E, section 3, the Department of Industrial Accidents (DIA), Office of Safety is responsible for establishing and supervising programs which entail the education and training of employees and employers in the recognition, avoidance, and prevention of unsafe or unhealthy working conditions. Responsible for advising employees and employers of these issues surrounding the work environment. To fulfill this mandate, the Department awards funds to qualified applicants based a competitive selection process of Request for Response (RFR).

The overall objective of the education and training programs is to reduce work related injuries and illnesses by "establishing and supervising programs for data collection on workplace injuries, along with;

- A. Identify, evaluate, and control safety and health hazards in the workplace.
- B. Foster activities by employees/employers to prevent workplace accidents, injuries, illnesses.
- C. Make employees/employers aware of all federal and state health and safety standards, statutes, rules and regulations that apply, including those that **mandate** training and education in the workplace.
- D. Refer employees/employers to the appropriate agency for abatement procedures for safety and health related issues.
- E. Target preventive educational programs for specifically identified audiences with significant occupational health and/or safety problems.
- F. Encourage awareness and compliance with federal and/or state occupational safety and health standards and regulations.
- G. Promote understanding among employee and employer groups of the importance of ongoing safety health education and training programs and help to begin such efforts.

- H. Encourage collaborations between various groups, organizations, educational or health institutions to devise innovative preventive methods for addressing occupational health and safety issues.

Request for Response (RFR) process FY '97

During the past eight fiscal years, the Massachusetts Department of Industrial Accidents (DIA) has issued its RFR for the Office of Safety's "Occupational Safety and Health Education and Training Program." To date, the Department has funded a total of 185 preventive training programs targeting a wide variety of workers and industries within the Commonwealth. These DIA programs have trained over 42,198 people.

The program has an annual budget of \$400,000.00. The Office of Safety publishes RFR annually to notify the general public that grants are available. In FY '97, proposals could be submitted up to a maximum of \$30,000.00.

In FY '97, 738 announcement letters were mailed to various industries throughout the Commonwealth. As a result of these announcement letters and the advertisements published in the regional newspapers, the Office of Safety issued 175 RFR's.

Of the 175 RFR's issued, the Department received 45 requests for funding (proposals). Of these approximately 75% receive funding.

A uniform criteria to competitively evaluate all proposals received is developed by a Proposal Selection Committee, appointed by the Commissioner. The Committee recommends a list of qualified applicants for funding. Upon approval of this list by the Commissioner, contracts are awarded.

In March of FY '97, the Office of Safety received an additional \$200,000.00 to be awarded for safety grants.

As a result of this additional money the Office of Safety was able to fund a total of 32 grants in FY '97 that resulted in the training of 11,898 employees throughout the Commonwealth. Over 95% of the participants rated the program they attended as excellent or good.

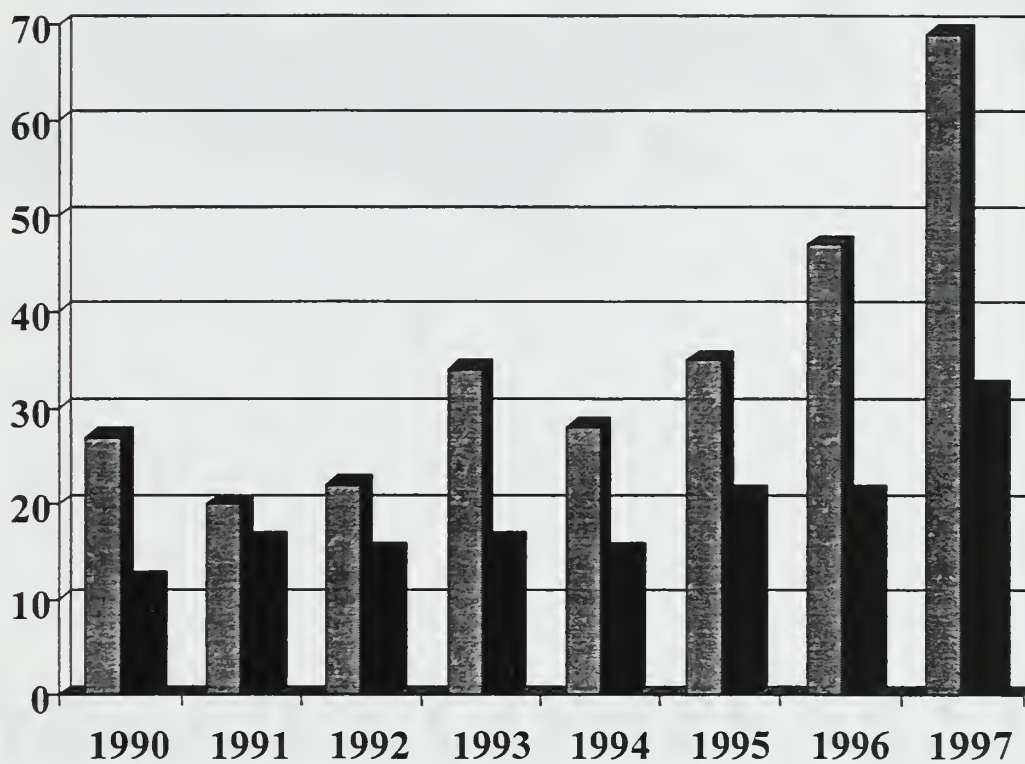


THE COMMONWEALTH OF MASSACHUSETTS

Department of Industrial Accidents

James J. Campbell, Commissioner

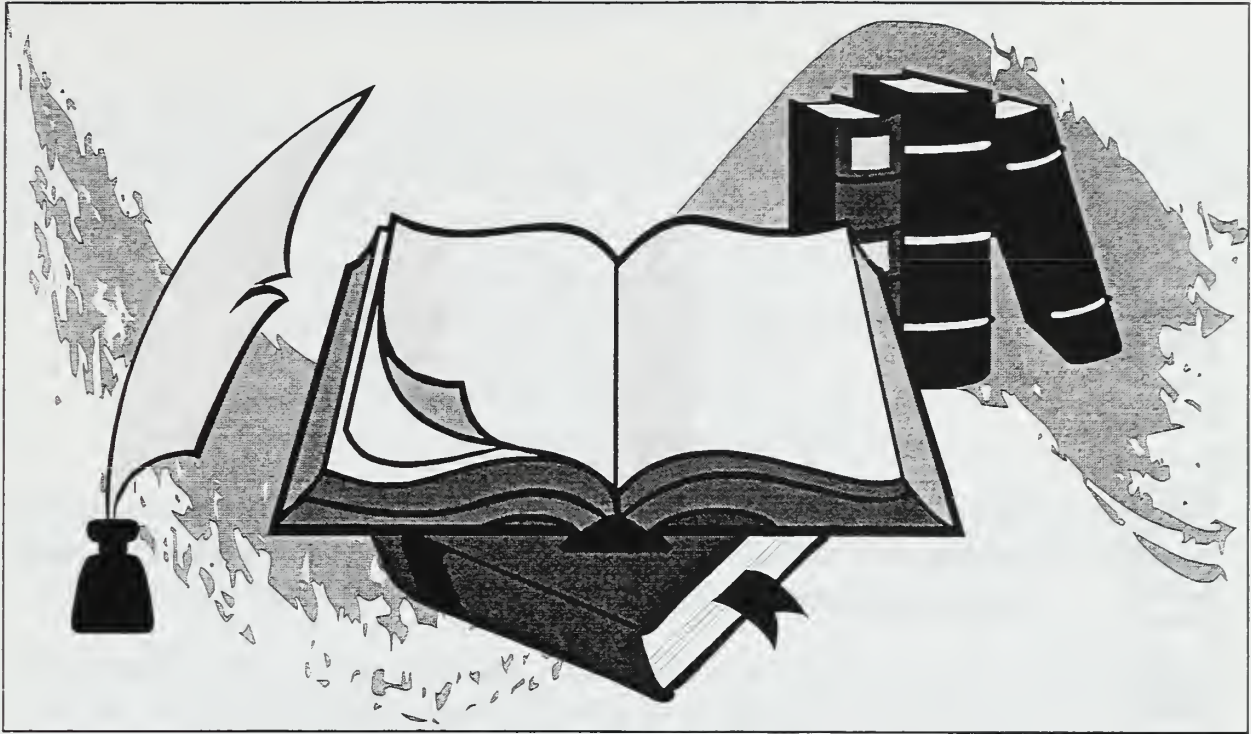
Office of Safety



Fiscal Year



Source: Dept. of Industrial Accidents, Commonwealth of Massachusetts
Prepared: September, 1997



WORKER'S COMPENSATION TRUST FUND

Ensuring that all are covered

WORKERS' COMPENSATION TRUST FUND

HIGHLIGHTS

- The collection effort for reimbursement from uninsured employers filing civil and criminal complaints to seek reimbursement continues.
- Instituted a program to eliminate COLA reimbursement through Section 19 settlement agreements.
- Decreased medical expenses through review and follow up on medical bills.

WORKERS COMPENSATION TRUST FUND

Created by statute under M.G.L. c. 152, Section 65, the Workers' Compensation Trust Fund administers the compensation program for parties bringing compensation claims under the following sections:

- (a) Section 30H - Vocational Rehabilitation
- (b) Section 34B - Cost of Living Adjustments (COLA)
- (c) Section 35C - Latency Injury Adjustments
- (d) Section 37/37A - Second Injury Claims
- (e) Section 65 - Claims Against Uninsured Employers

Revenue for the Trust Fund is generated by assessments, interest and penalties paid by or underwritten by private, public and self-insurers, who are assessed through quarterly billings and calculated charges by the DIA.

The Trust Fund has worked to balance the requirement to fulfill statutory obligations and protect the injured worker against the need to contain costs. Several steps have been taken to reach our cost-effective goal in FY '97.

In the area of defending claims against uninsured employers (Sect. 65), efforts have been aimed at reducing costs and in recovering moneys owed by uninsured employers. The claims management computer system, Pyramid, has increased the efficiency of claims management. The Trust Fund has filed motions to join uninsured employers on all cases, which initiates negotiations for settlement/reimbursement with the intention of reducing expenditure by increasing the employer's contribution. The average length of disability has decreased lowering medical expenditures by review of treatment. These actions will continue to produce reductions in FY expenditures, as moneys paid out for uninsured claims are lowered. Collection efforts for reimbursement from uninsured employers continue. The Trust Fund has seen a steady increase in employer reimbursements from 1990 through 1997.

In the area of Section 37, Second Injury Cases, the processing of claims filed has accelerated. The management of Second Injury claims has saved the employer community money through defense of claims filed against the Trust Fund. In FY '97 the Trust Fund resolved 350 Second Injury petitions, with total payments of \$16,479,880.00.

The Trust Fund has instituted a settlement program that has the potential to eliminate many of the COLA cases (Sect 34B) anticipated over the next five years. This could result in substantial savings in the out years.

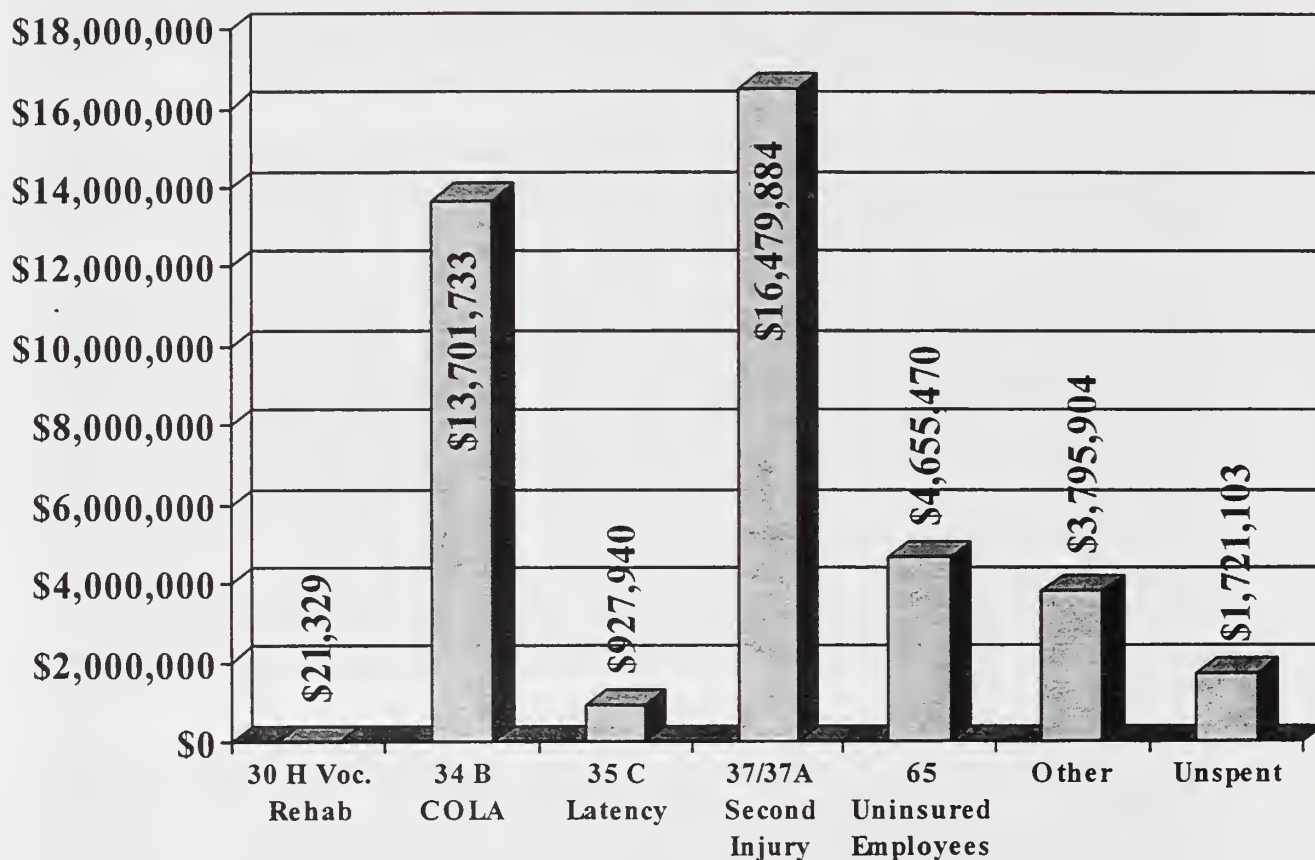


THE COMMONWEALTH OF MASSACHUSETTS
Department of Industrial Accidents

James J. Campbell, Commissioner

Office of Finance and Accounting

Workers' Compensation Trust Fund
FY 97 Budget Expenditures



Total FY 1997 Budget:
\$41,300,163

Source: Commonwealth of Massachusetts, Dept. of Industrial Accidents
Prepared: October 1998



THE COMMONWEALTH OF MASSACHUSETTS

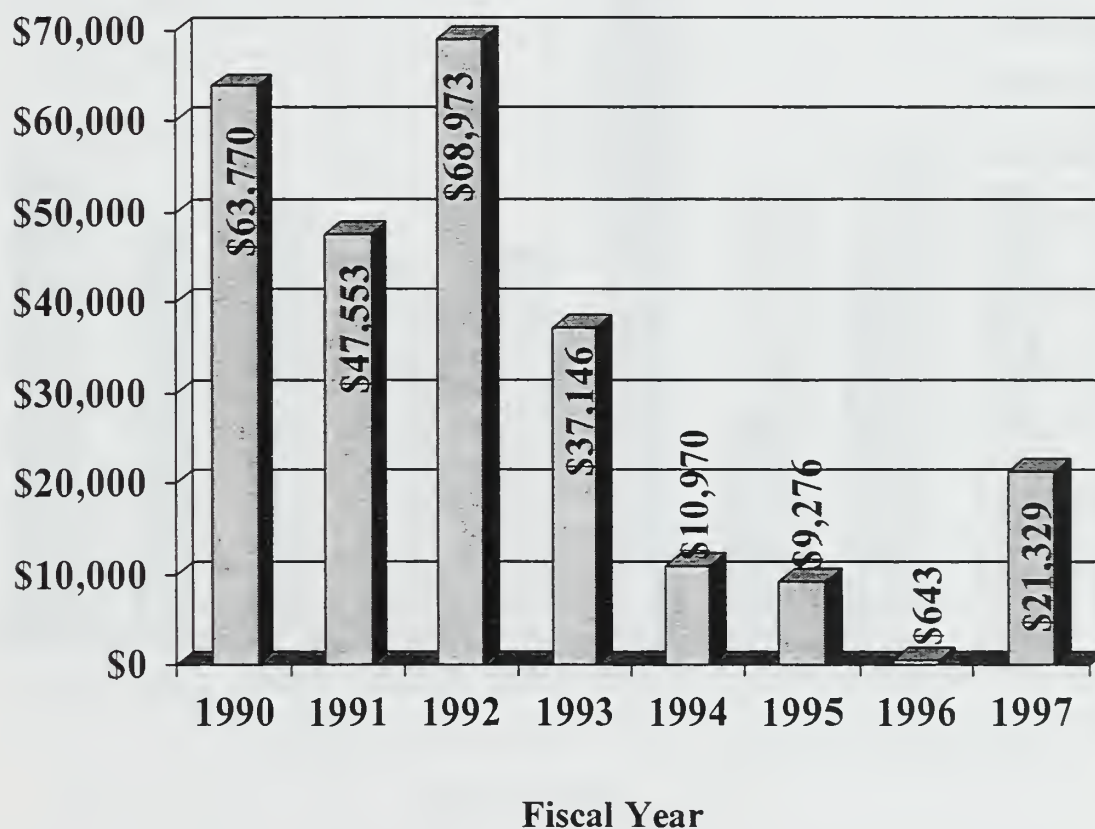
Department of Industrial Accidents

James J. Campbell, Commissioner

Office of Finance & Accounting

M.G.L. Ch.152, Sect. 30H

Benefit Payments Made by Workers' Compensation Trust Fund for Vocational Rehabilitation of Injured Employees on Uninsured Claims



Source: Dept. of Industrial Accidents
Prepared: Oct. 1998



THE COMMONWEALTH OF MASSACHUSETTS

Department of Industrial Accidents

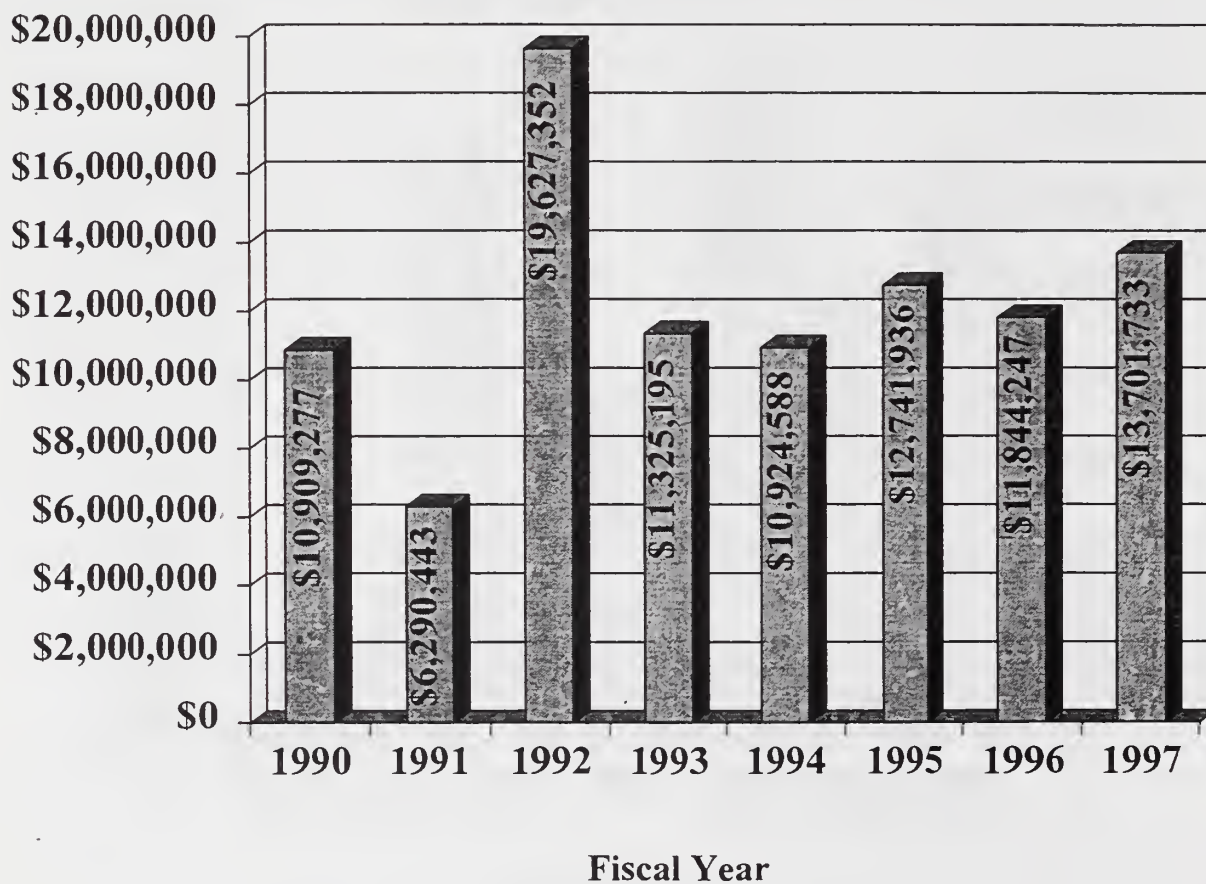
James J. Campbell, Commissioner

Office of Finance & Accounting

M.G.L. Ch. 152, Sect. 34B

Cost of Living Adjustment (COLA)

Reimbursements to Insurance Providers by WCTF



* Does not include Public Trust Fund Expenditures

Source: Dept. of Industrial Accidents, Commonwealth of Massachusetts
Prepared: Oct. 1998



THE COMMONWEALTH OF MASSACHUSETTS

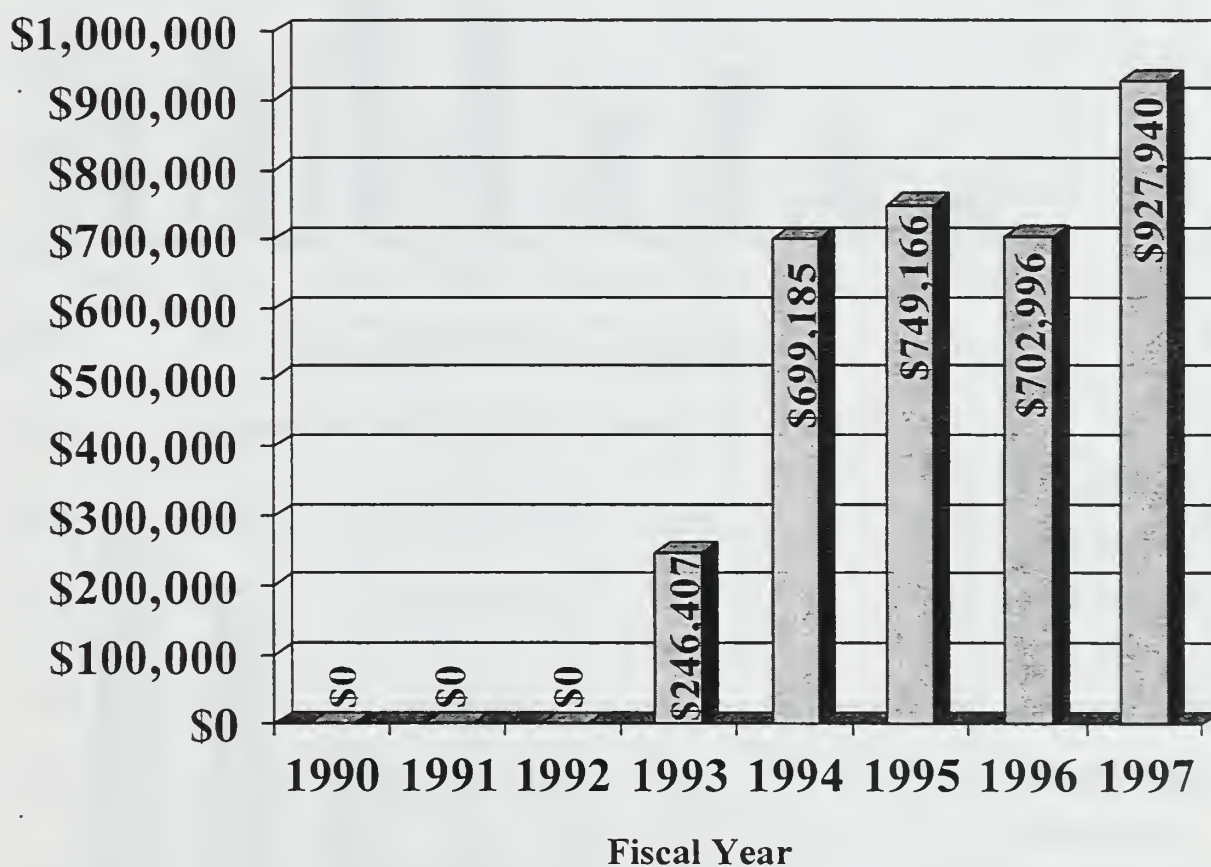
Department of Industrial Accidents

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M.G.L. 152, Sect. 35C**

Benefit Payments Made by
Workers' Compensation Trust Fund*



* Does not include Public Trust Fund Expenditures

** Payments are made under this section when the difference between date of injury and the date of disability under Sections 31, 34, 34A or 35 is five years or more.



THE COMMONWEALTH OF MASSACHUSETTS

Department of Industrial Accidents

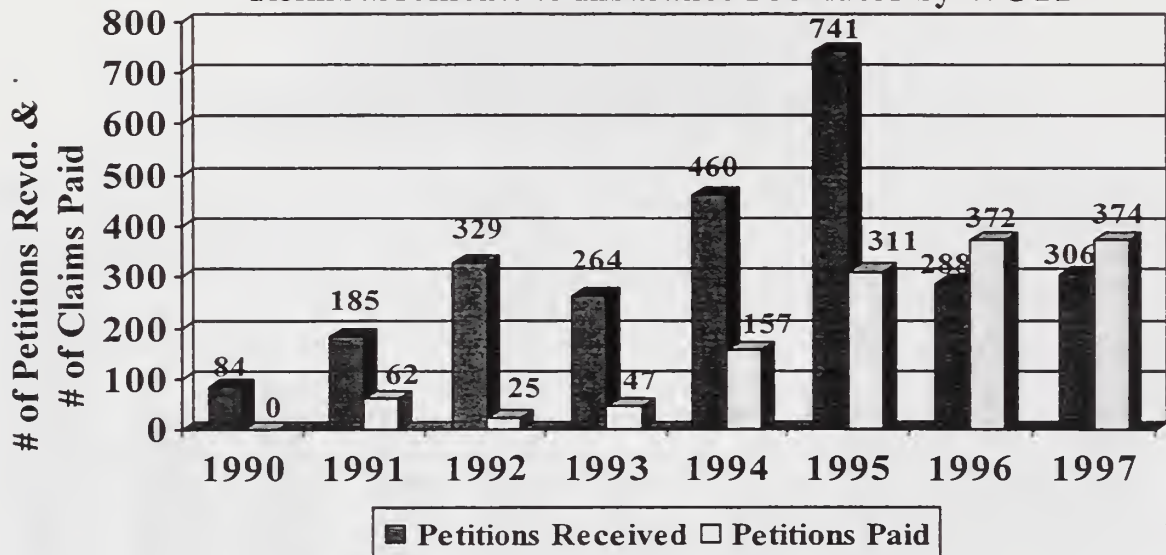
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M.G.L. Ch. 152 Sec. 37/37A

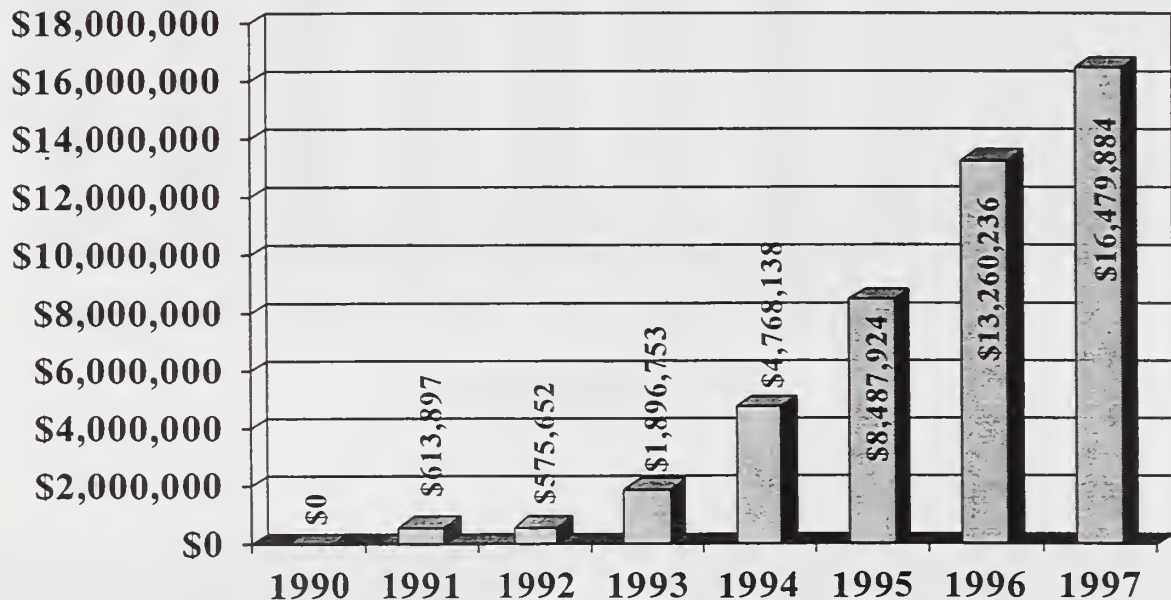
Secondary Injury Petitions &

Reimbursements to Insurance Providers by WCTF



Fiscal Year

Petitions for Secondary Injury Reimbursements



Fiscal Year

Reimbursements Made For Secondary Injury Claims

Source: Dept. of Industrial Accidents, Commonwealth of Massachusetts
Prepared: Oct. 1998



THE COMMONWEALTH OF MASSACHUSETTS
Department of Industrial Accidents
James J. Campbell, Commissioner

**Section 37/37A Claims
History**

F Y	Budget	Dispersed	# of Petitions Received	# of Petitions Paid	Avg. Cost
Prior to 1990	\$0	\$0	20	0	-
1990	\$0	\$0	84	0	-
1991	\$0	\$613,897	185	62	\$9,902
1992	\$0	\$575,652	329	28	\$20,559
1993	\$2.1 m	\$1,896,753	264	47	\$40,356
1994	\$5 m	\$4,768,138	460	157	\$30,370
1995	\$5 m	\$8,487,924	741	311	\$27,292
1996	\$9 m	\$13,260,236	288	372	\$35,646
1997	\$16 m	<u>\$16,479,884</u>	<u>306</u>	<u>374</u>	\$44,064
<i>TOTAL</i>		<i>\$46,082,484</i>	<i>2,657</i>	<i>1,306</i>	<i>\$35,285</i> <i>(Overall Avg.)</i>

Source: Dept. of Industrial Accidents, Commonwealth of Massachusetts
Prepared: Oct. 1998



THE COMMONWEALTH OF MASSACHUSETTS

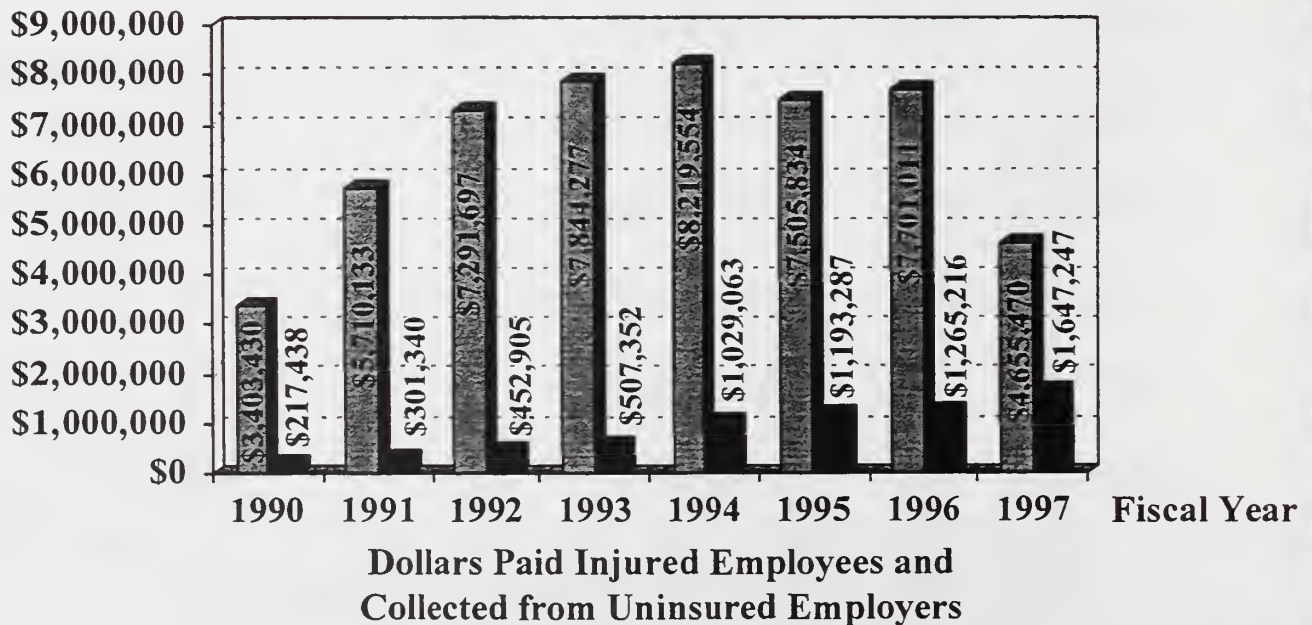
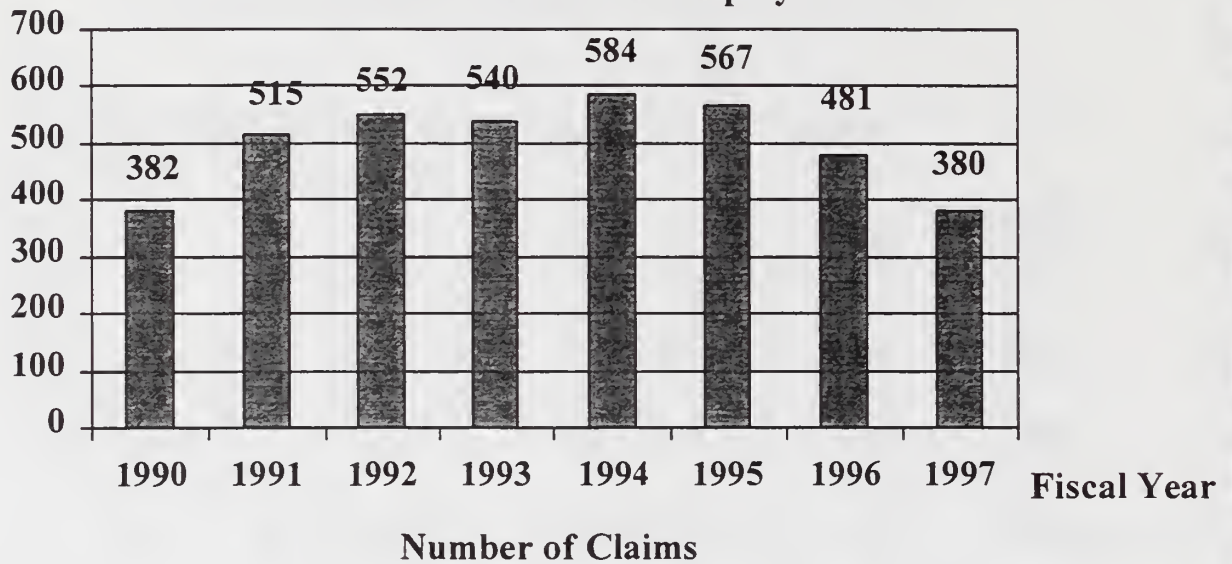
Department of Industrial Accidents

James J. Campbell, Commissioner

Office of Finance & Accounting

M.G.L. Ch. 152, Sect. 65

Claims from and Benefits to injured employees of Uninsured Employers
and Reimbursement from Employers.



■ Dollar Amount of Uninsured Employee Claims Paid from Workers' Compensation Trust Fund in Each Year - Does not include Public Trust Fund expenditures.

■ Dollar Amount of Sec. 65 Reimbursements Collected in Each Year.

Source: Dept. of Industrial Accidents, Commonwealth of Massachusetts
Prepared: September, 1997



THE COMMONWEALTH OF MASSACHUSETTS
Department of Industrial Accidents

James J. Campbell, Commissioner

Office of Finance & Accounting

Sec. 65 Claim History

F Y	Budget	Dispersed	# of Claims	Avg. Cost
1990	\$0	\$3,403,430	382	\$8,910
1991	\$0	\$5,710,133	515	\$11,088
1992	\$0	\$7,291,697	552	\$13,210
1993	\$8,646,000	\$7,844,227	540	\$14,526
1994	\$10,014,510	\$8,219,554	584	\$14,075
1995	\$10,079,010	\$7,508,834	567	\$13,243
1996	\$9,132,000	\$7,701,011	481	\$16,010
1997	\$5,361,750	\$4,655,470	380	\$12,251

Source: Dept. of Industrial Accidents, Commonwealth of Massachusetts
Prepared: September 1997



INSURANCE AND SELF-INSURANCE

**Ensuring Protection
for Workers**

HIGHLIGHTS

- Proofreading of microfilmed historical insurance records continued in 1997.
- Self-insurance licenses issued and renewed in FY '97 declined 10%.
- 535,000 employees in Massachusetts work for self-insured companies.
- In FY '97 the number of licensed companies has declined from 736 to 623, a favorable reflection on the reduction in workers compensation insurance rates.

OFFICE OF INSURANCE

On November 15, 1943, the Workers' Compensation Law which was originally enacted in 1912 became compulsory for all employers. As a result, self-insurance became allowable in Massachusetts and the Office of Insurance was created on that same date. The Office is headed by the Director of Insurance and staffed with eight people.

The primary responsibility of the Office of Insurance is to license businesses and their subsidiaries who choose to self-insure their workers' compensation liabilities. Before a license is issued, strict financial analysis is performed in order to insure the corporation's ability to pay all its' claims. The Office also determines the bond amount and reinsurance limits, as required by statute, to pay employee benefits and medical expenses in the event the company is unable to pay claims or ceases operations. Presently, there are 206 businesses covered by licenses issued by this Office. These are the largest, strongest, and most solvent companies doing business in the Commonwealth. If these companies were insured, they would generate in the aggregate an estimated \$304,000,000 in workers' compensation premiums. Together these companies employ better than half-a-million people in Massachusetts. The amount of deposits held as collateral furnished to the State Treasurer and collected by the Office each year is in the billions of dollars.

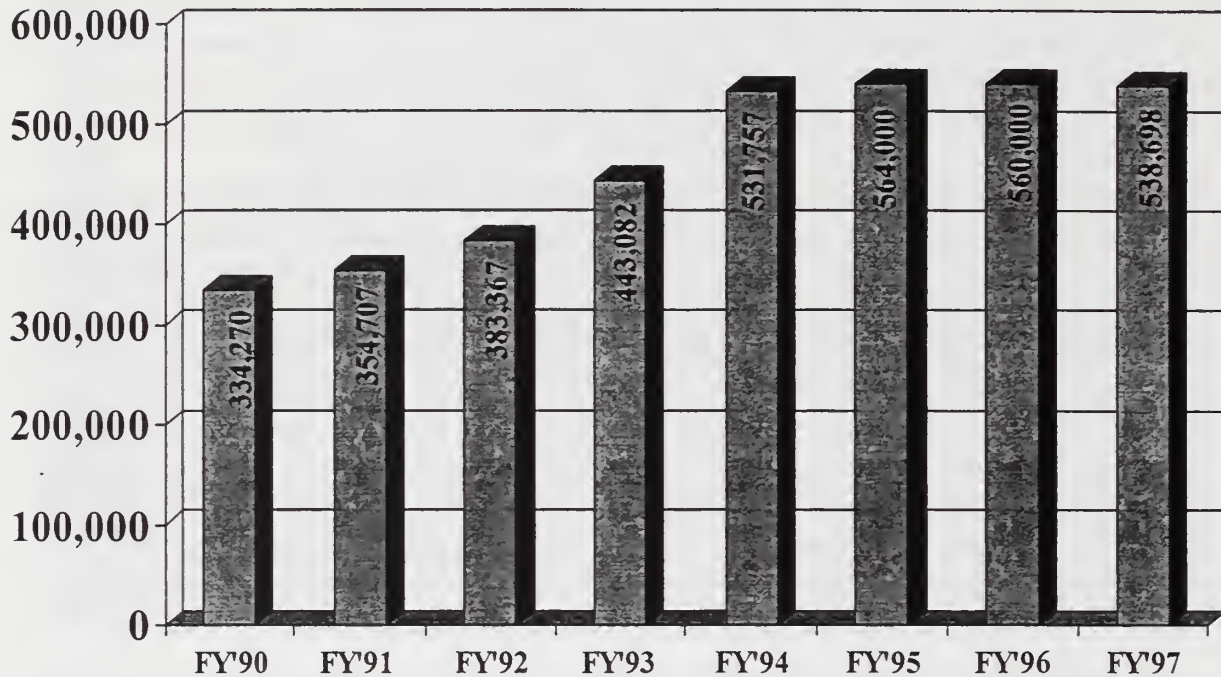
The Office also serves as a repository for insurance records information which serves as a vital reference resource for employees who file claims to receive payment for their workers' compensation. Last year the Office continued to review a comprehensive program begun in 1994 of the microfilming of its insurance records of employers in Massachusetts from 1955 to 1991. This project greatly streamlines and expedites research to determine the correct insurance carriers when a compensation claim is filed. The ongoing examination of these records in 1997 for the purpose of detecting photographic flaws and errors of omission will help guaranty the readability and completeness of individual employer insurance coverage records.



THE COMMONWEALTH OF MASSACHUSETTS

Department of Industrial Accidents

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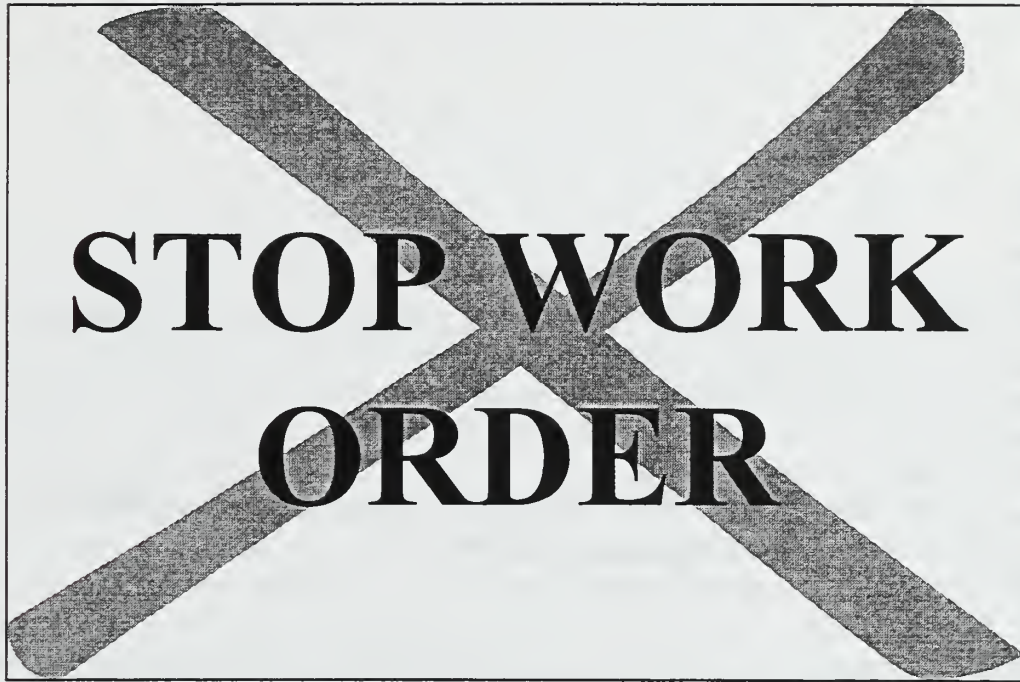
**Number of Employees working
for Self-Insured Companies**

FY '90	FY '91	FY '92	FY '93	FY '94	FY '95	FY '96	FY '97
123	128	155	201	224	227	223	201

Number of Companies Licensed to Self-Insure

- Number of Employees based on applications for self-insurance licenses in each year.
- Number of Companies as of the beginning of each year.

Source: Office of Insurance & Self-Insurance
Department of Industrial Accidents



INVESTIGATIONS

Ensuring Compliance

INVESTIGATIONS

HIGHLIGHTS

- Investigations unit issued 2,338 Stop Work Orders in FY 97.
- The Office of Investigations conducted over 20,000 total investigations in FY97.
- Fines collected increased from \$286,115 in FY96 to \$435,410 in FY97.

OFFICE OF INVESTIGATIONS

The Department of Industrial Accidents Office of Investigations continued its nation-leading performance in FY 97. The unit extended its enforcement activities to include the notification of virtually every newly formed "for-profit" corporation of its responsibility to acquire and maintain workers compensation insurance coverage. This was achieved only through complete cooperation and interaction between the Secretary of State's Office and DIA. Every two weeks, Investigations receives a data submission from the Secretary of State listing all Corporations formed during the previous two-week period. Those companies all receive written notification from DIA and a request for workers compensation information. At this point, companies are instructed that if they do not respond within a given time frame a Stop Work Order could be issued. Most companies, upon notification, immediately secure coverage. A certain percentage are, unfortunately, referred to an investigator for further action. This and our other initiatives and efforts have nearly doubled investigations from 12,237 in FY 96 to 22,688 in FY 97. One benefit of these efforts, is that the unit has reduced the need, in many cases, to issue Stop Work Orders and can redirect its energies towards proactive prevention. Another result of this efficiency is that the voluntary insurance market has continued to expand to a point where obtaining workers compensation coverage can now occur immediately. This is a dramatic change from as recently as two years ago. A third beneficial impact of this redirection has been a 7% reduction in the number of uninsured referrals from the Trust Fund. Finally, recent rate reduction proposal, to the tune of 12% by the Massachusetts Workers Compensation Rating Bureau, have validated these enforcement efforts.

As a result of its efforts, the unit has been awarded the Commonwealth of Massachusetts 1997 Pride in Performance Award.

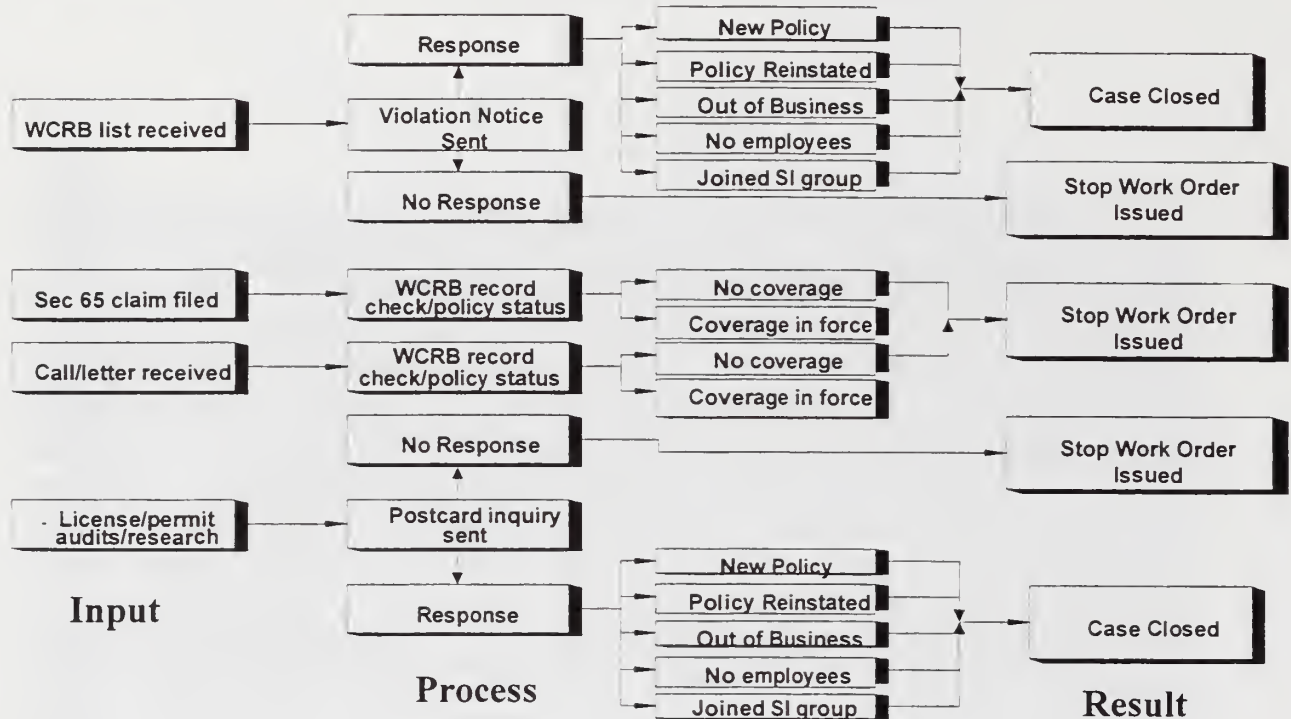


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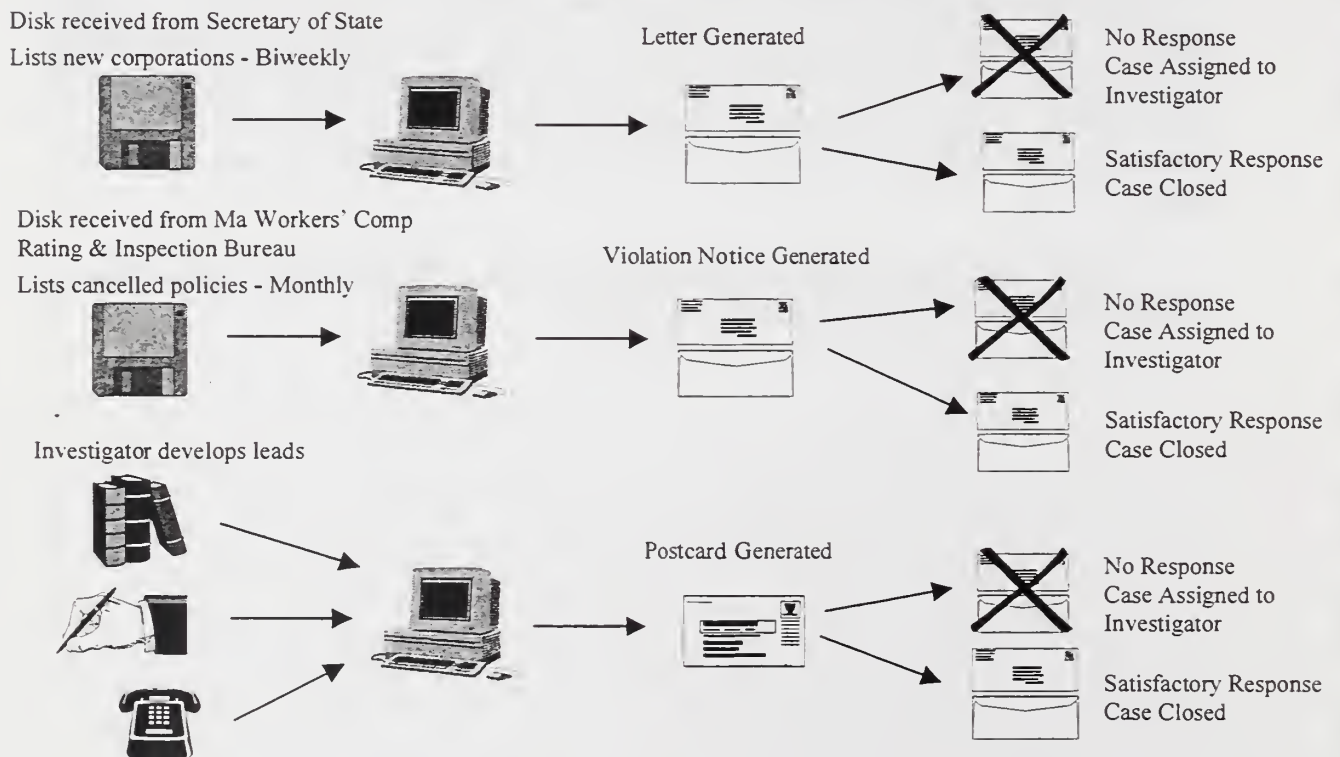
Department of Industrial Accidents

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Investigations Workflow Diagram



Pre-Stop Work Order Investigations

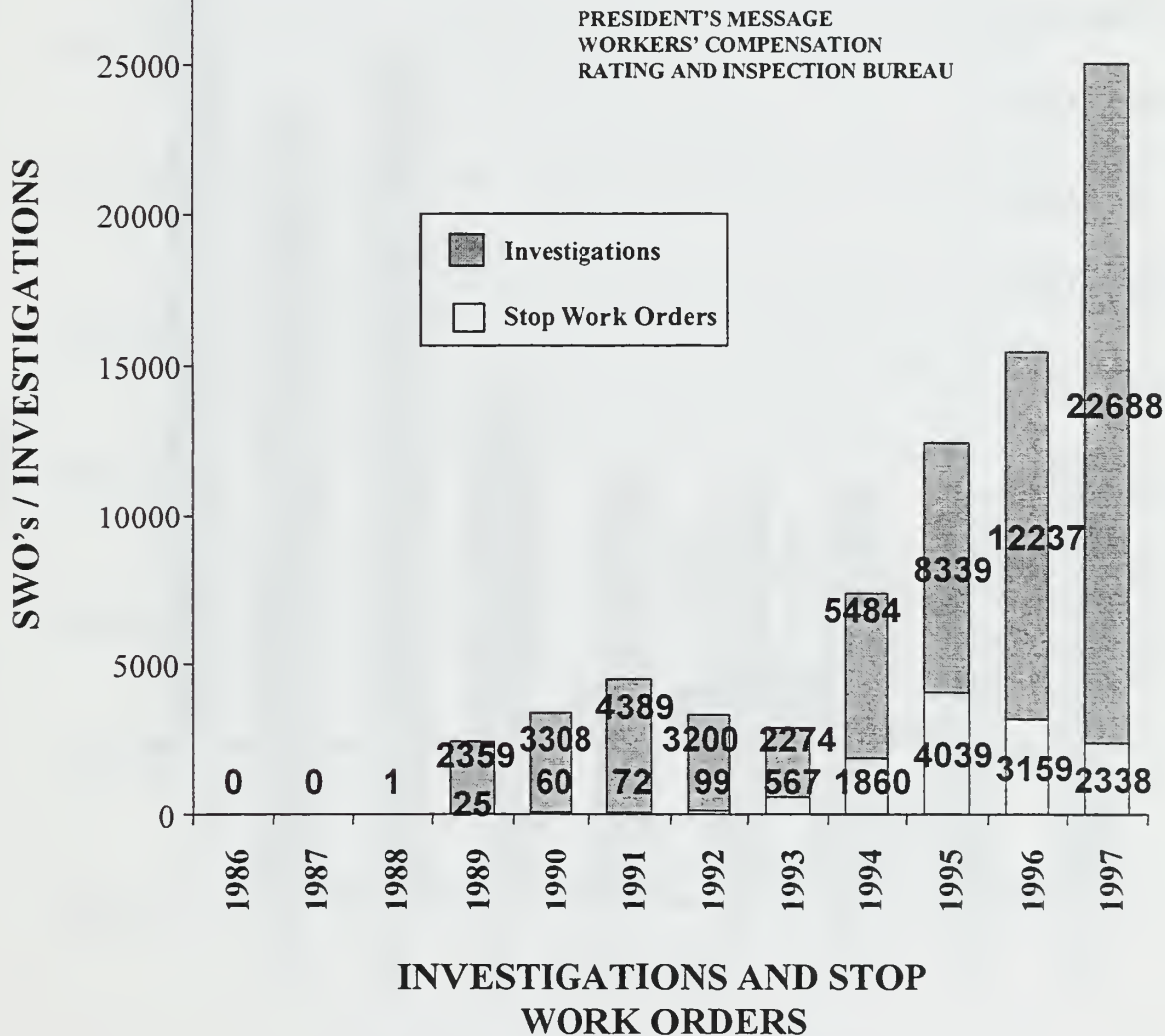




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Office of Investigations

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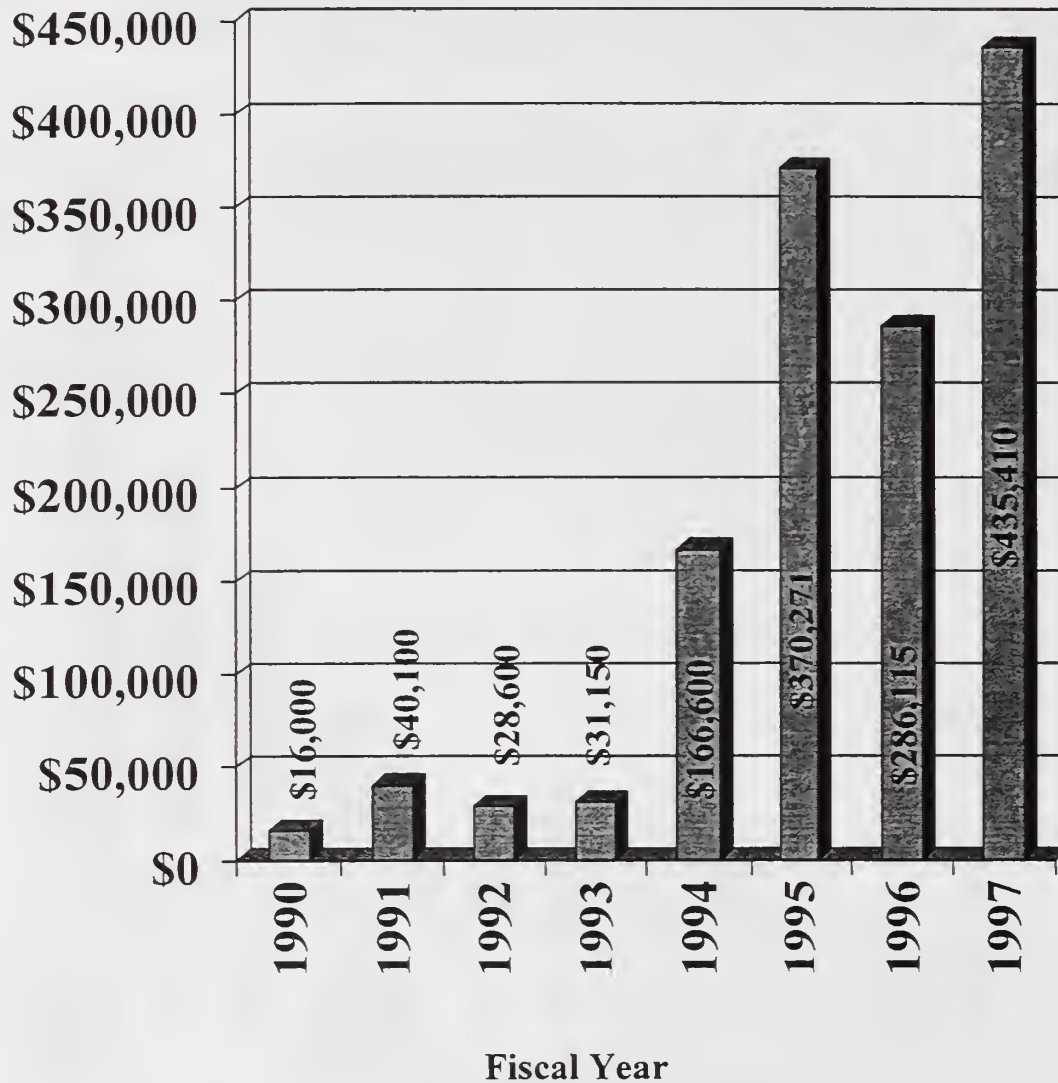


SOURCE: Dept. of Industrial Accidents, Commonwealth of Massachusetts
Prepared: June, 1998



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Department of Industrial Accidents
James J. Campbell, Commissioner

Office of Investigations



Stop Work Order Fines Collected

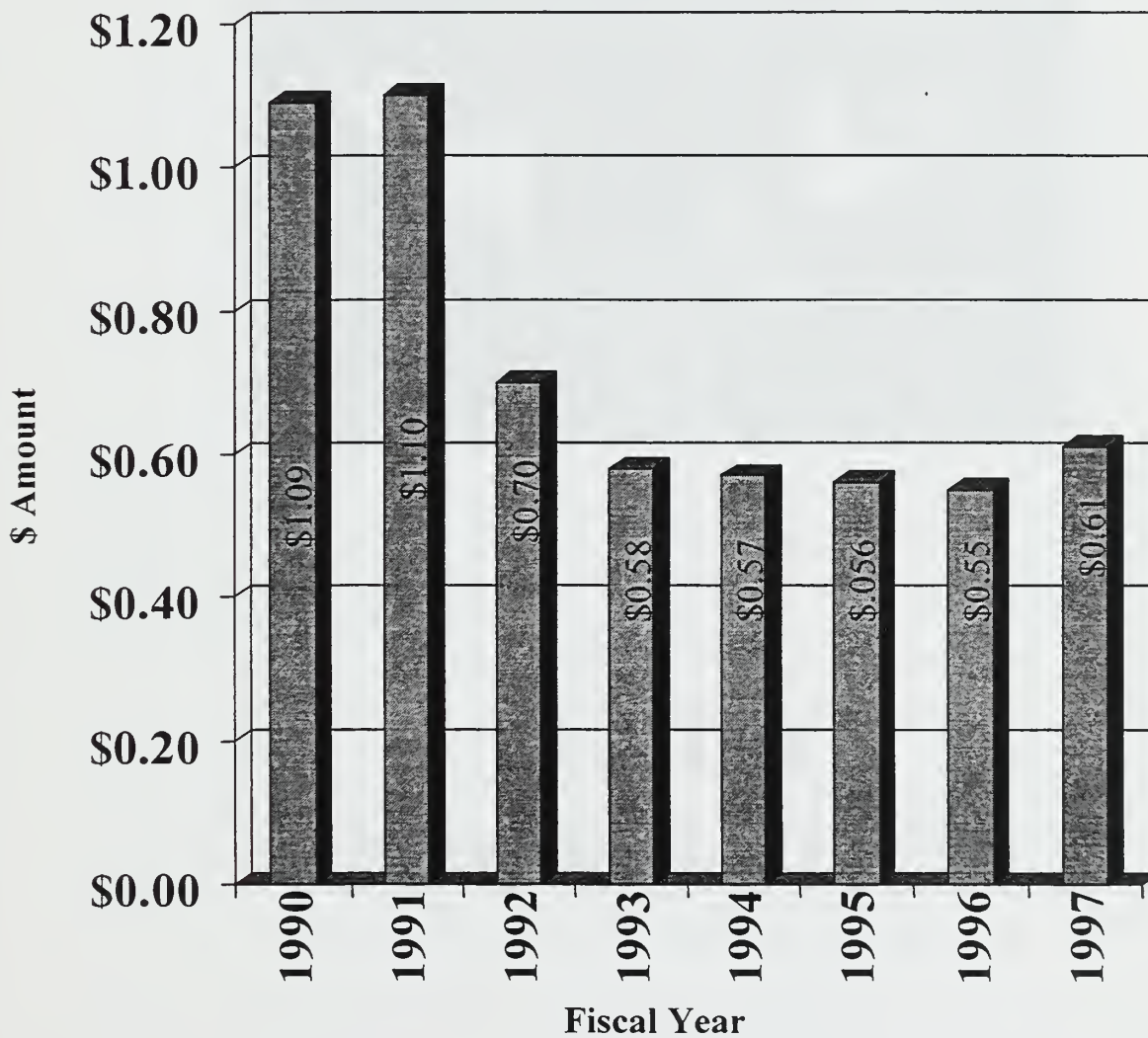
Source: Dept. of Industrial Accidents, Commonwealth of Massachusetts
Prepared: September, 1997



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Department of Industrial Accidents

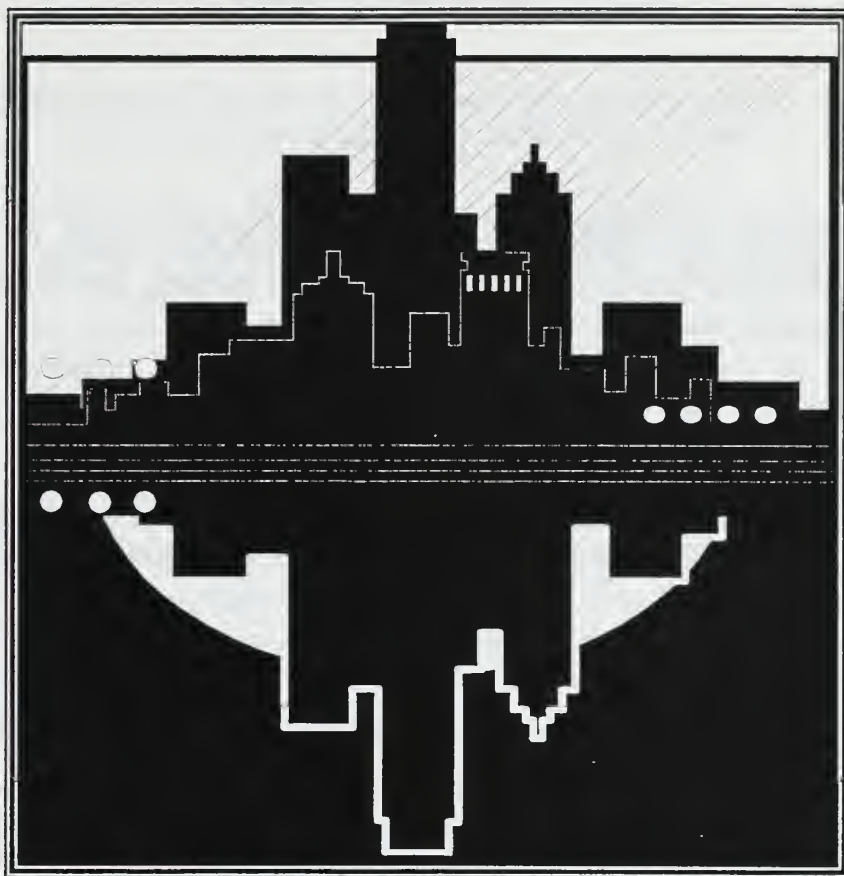
James J. Campbell, Commissioner



PROVIDERS' LOSS RATIO

Source: Workers' Compensation Rating and Inspection Bureau, Commonwealth of Massachusetts
Prepared: May, 1998





PUBLIC INFORMATION

To Serve and Inform

HIGHLIGHTS

- **Provided assistance and information to thousands of callers (to the Department) who needed help navigating the Massachusetts workers' compensation system.**
- **Updated "Your Guide to the Massachusetts Workers' Compensation System," the information guide sent to injured workers. Update included expanded information and addition of graphics.**
- **Provided writing, editing, and presentation assistance to Department managers.**
- **Took the Department 'on-line' with the construction of a Department web site, <www.state.ma.us/dia>. On-line information includes Employee and Employer guides, department regulations, and forms that can be downloaded. The DIA site is cross-linked with several other state sites.**
- **Mailed out thousands of informational guides, forms and other written material to Massachusetts citizens in need of assistance.**

PUBLIC INFORMATION OFFICE

The Public Information office, part of the Administrative Services Office, is staffed by a Public Information Officer III, three Program Coordinator I's, a Clerk IV, and a EDP III.

The primary mission of the unit is to provide information and assistance about the Massachusetts workers' compensation system to all interested parties; information about the law, rules, and the policies and procedures of the Department of Industrial Accidents. The primary way of providing this information is a toll-free phone line, manned by the program coordinators. Injured workers, and other interested parties, can call in on this line and be provided with up-to-date information on workers' compensation policies and procedures.

Writing, editing, and revising informational brochures is another important duty of this unit. The information office is responsible for writing and distributing an informational brochure to all injured workers, as required by state law. During the past year this brochure was extensively revised. It was re-written to include more information, and to make it easier to read. It was enlarged to a 11" by 8.5" format, and graphics were added, to increase readability of the brochure.

The information unit also plays a major role in the writing and editing of the department's required annual report. The unit has incorporated new computer hardware and software to improve the internal publication, **DIA NEWS**. Other brochures written by the unit include an employer's guide, a guide to lump sum settlements, and various instructions for filling out department forms. The information unit also liaisons with the regional offices. A program coordinator is assigned as a liaison with each office, to help ensure good two-way communications. The information unit also provides writing and editing assistance to department managers on other projects.

The Department of Industrial Accidents went 'on-line' this year, with the creation of a web site on the internet <www.state.ma.us/dia>. This site makes information about department policies and procedures available on the internet. The information unit was responsible for creating this web site, working closely with the experts in the data processing unit. In addition to containing the informational guides that the department publishes, many of the department's numbered forms are also available on the web site. They are in a format that allows them to be downloaded directly to a printer. The information unit is also responsible for updating this site. Updates are done on a regular basis, to ensure that all information on the site is correct and up-to-date. Department managers are being encouraged to provide additional information for dissemination on the web site.

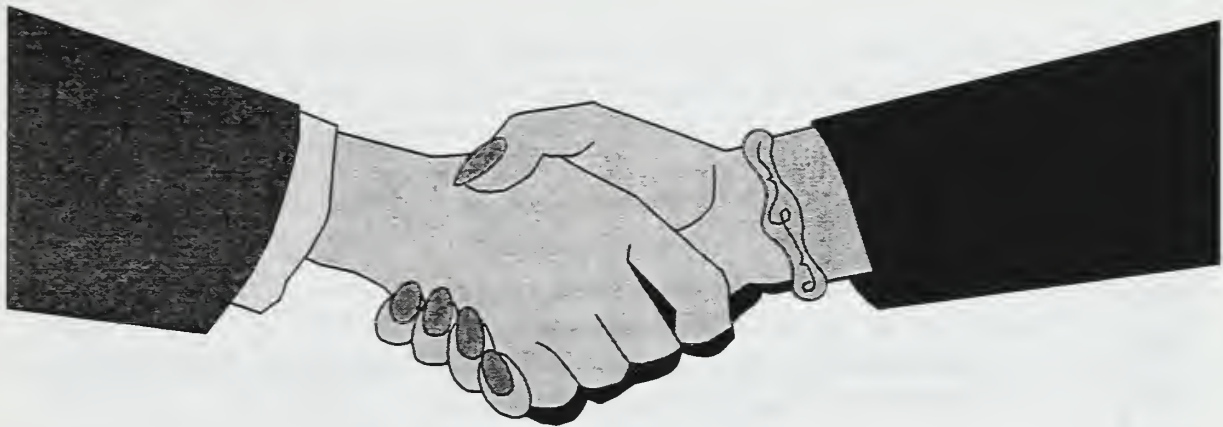
The personnel in the information unit require a good deal of training. They must possess in-depth knowledge of workers' compensation law and all aspects of department functions, as well as being able to answer general questions regarding the policies and procedures of the agency. Each person in the office must develop an in-depth knowledge of one area of the agency, and serves as liaison to the manager in that area.

A question and answer document is maintained and updated by the unit. This provides the information unit personnel, region managers and other departmental personnel with a single source document for up-to-date answers to the most frequently asked questions about the workers' compensation system.

The information unit must be aware of the duties and responsibilities of all department supervisors, and managers, in order to accurately route calls to the proper source of the expertise and advice. Information unit personnel receive ongoing training to keep apprised of any changes in the law and/or department policy revisions. Training ranges from informal meetings and memos from department managers, to formal training such as Department of Personnel Administration courses, Massachusetts Continuing Legal Education seminars, and other outside courses and seminars, when required.

The Clerk IV fills the 'switchboard operator' position, routing calls internally. Most incoming calls are automatically routed, and do not come through the switchboard. The switchboard gets calls from people who do not know the extension they need, or who do not have push-button phones. They also get a limited number of calls that come to the switchboard if a particular extension is busy. The operator answers the TDD-line for the hearing-impaired, and troubleshoots problems with the phone system. The operator also helps with the bulk mailing of the employee guide, to a mailing list compiled from incoming Form 101s, as required under M.G.L. 152, and is assigned various other tasks by the administrative services manager.

The EDP III is assigned to the Public Information unit, but provides support for all units within the Administrative Services Office. She also provides support to the commissioner's office on a regular basis. Her main duty with public information is providing general clerical assistance, such as photocopying and filing. Another major assigned task is helping with the regular mailings of the information guide sent to injured workers.



DISPUTE RESOLUTION

Swift and Just Resolution

HIGHLIGHTS

- Scheduling time to appear before a judge at conference for FY'97 averaged 3.2 months.
- Scheduling time to appear before a judge at hearing for FY'97 averaged 2.6 months.
- There continued to be no conference or hearing backlogs excepting normal scheduling queues awaiting assignment to judges' conferences/hearing cycles during FY'97.

DIVISION OF DISPUTE RESOLUTION

The Department's adjudicatory affairs are conducted by the Division of Dispute Resolution. The division is divided into five units: the Industrial Accident Board, the Reviewing Board, Conciliation, Operations and the Impartial Unit. The primary responsibility of the Division is to resolve disputed cases. The Industrial Accident Board is comprised of 25 Administrative Judges who adjudicate disputed cases from an initial Conference to a final Hearing. The Reviewing Board, comprised of six Administrative Law Judges, functions as the appellate body of the DIA. This Board handles appeals of decisions made by Administrative Judges. The operational function within the Division of Dispute Resolution is comprised of four components: Judicial Support, Docketing, Scheduling and Hearing Stenographers. These units are staffed by approximately 80 employees each providing support to the Judges.

The Weld/Cellucci Reform Act of 1991 brought many changes to the Dispute Resolution process, including the creation of a Senior Judge position, six additional Administrative Judges, two additional Administrative Law Judges as well as an Impartial Medical Unit. The chronic existence of a large case backlog has long been one of the most serious, expensive and widely discussed problems of the Workers' Compensation System in Massachusetts. In the past, backlogs had been temporarily reduced, but any reductions proved to be short lived as some Conferences were scheduled but no provisions were made for the resulting appeals to Hearings.

While the 1991 legislation had provided a temporary increase in the number of Judges, what also was needed was an administrative and scheduling system to coordinate and complement the additional personnel and revised statute to ensure the expeditious resolution of disputed claims. The plan implemented was created to not only address the sizable Conference backlog, but the objective was designed to accommodate moving the appealed cases from one queue(Conference) to another (Hearing). The number of cases awaiting a Hearing date had risen dramatically and needed to be addressed, thus the Judges' schedules were modified to accommodate this increase.

FY97 saw approximately 63% of the cases scheduled for Conference resolved. Approximately 13,000 cases were scheduled for Conference with 8,200 of those cases settled. As for Hearings, 6,974 were scheduled and 6,138 were resolved during FY97.

THE CONCILIATION UNIT

The Conciliation Unit conducts the first proceedings on all contested claims, representing roughly 30,000 cases per year. The Unit was formed in 1986, and enhanced by the 1991 reforms. At Conciliation an informal attempt is made by a Conciliator to resolve the issues in dispute. If an agreement is not reached, the dispute may be forwarded to a Conference before an Administrative Judge. The Unit has consistently resolved approximately 50% of all cases filed. The Unit has met its statutory time frame by scheduling conciliations within 12 days of receiving a claim or complaint, and there has never been a backlog at Conciliation. The 1991 Reform made the Conciliation Unit a part of the Division of Dispute Resolution, granted authority to review Lump Sum Agreements and approve them as complete, and extended the Conciliator's authority to withdraw cases where certain filing requirements have not been met.

THE REVIEWING BOARD

Although the reduction in the Conference and Hearing queue's brought more expeditious resolution of matters for parties appearing before the Industrial Accident Board, it also resulted in an increase in the number of appeals being filed with the Reviewing Board. Currently, appeals are being filed at a rate of 750 annually. The Senior Judge and the Reviewing Board developed new and more efficient methods for expeditious processing of appeals. One such development has been the Pre-Transcript Conference. The parties are brought in to narrow the issues and/or determine alternative resolution. In July 1994, the Senior Judge initiated a new case assignment system for the Reviewing Board, two panels were named to serve for an extended period and each month each panel is assigned up to 36 appeals to accommodate new filings as well as to continually reduce the inventory of appeals.

In addition to the appeals, the Reviewing Board continues to conduct Lump Sum Conferences, s.46A petitions and to hear motions for expedited Conferences. During FY97 the Reviewing Board filed 118 Decisions and 250 Summary Affirmations, and also approved 2,953 Lump Sum settlements.

THE OPERATIONS UNIT

Employees within the Operations Unit implement and administer a number of different functions designed to augment and complement the DIA's statutory adjudicatory mandate. While the employees, supervisors, and managers primarily interface with the Judges, they also regularly interact with the Impartial Medical Unit, Conciliation Unit, and various units within the Division of Administration and parties who have matters before the Division of Dispute Resolution.

The Scheduling unit is responsible for maintaining the schedules of Administrative Judges and Administrative Law Judges (Lump Sum Conferences only) calendars, the distribution of Board files and processing rescheduling requests.

The Judicial Support Unit consists of Administrative Secretaries and Principal Clerks and provides administrative support to all of the Administrative Judges and Administrative Law Judges.

The Docketing Unit handles all computer system changes for the Judges as well as any specialized scheduling.

The Hearing Stenographer Unit is responsible for taking verbatim testimony at Hearings conducted by Administrative Judges and providing completed transcripts to Judges, the Reviewing Board, or parties to cases.

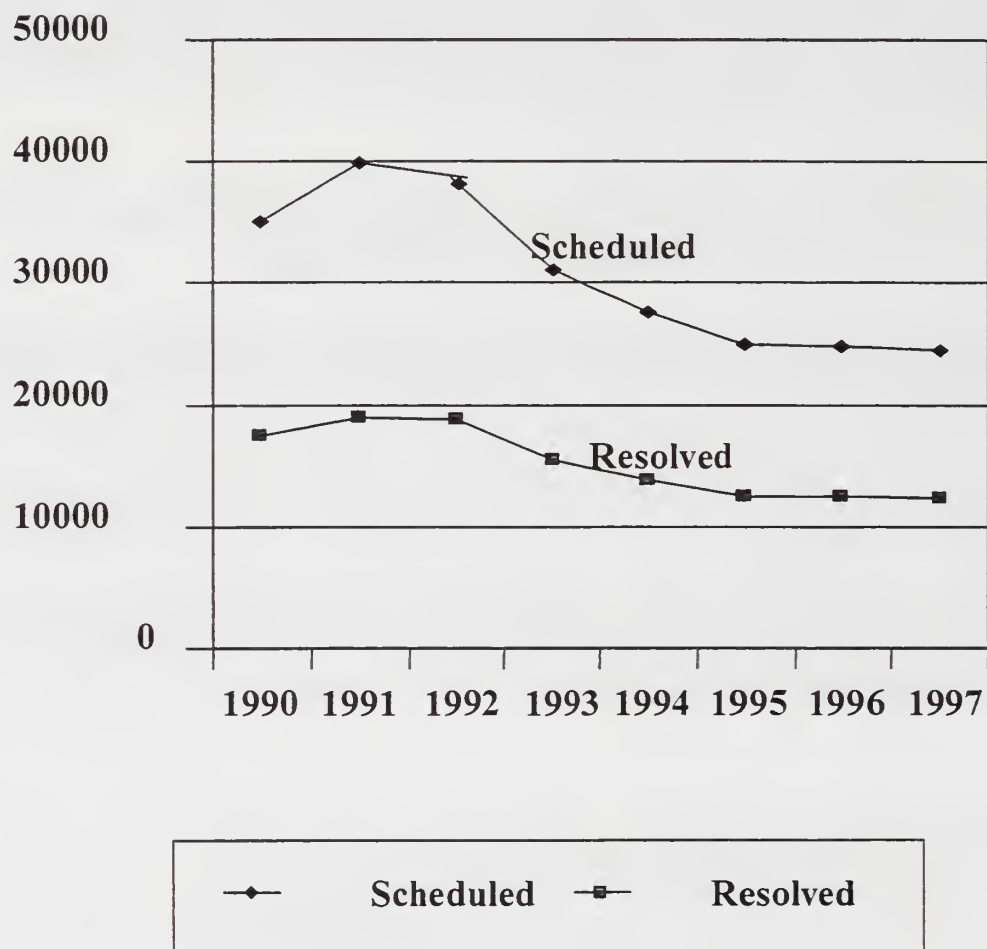


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Department of Industrial Accidents

James J. Campbell, Commissioner

Dispute Resolution



Conciliations

Source: Dept. of Industrial Accidents, Commonwealth of Massachusetts
Prepared: September, 1997

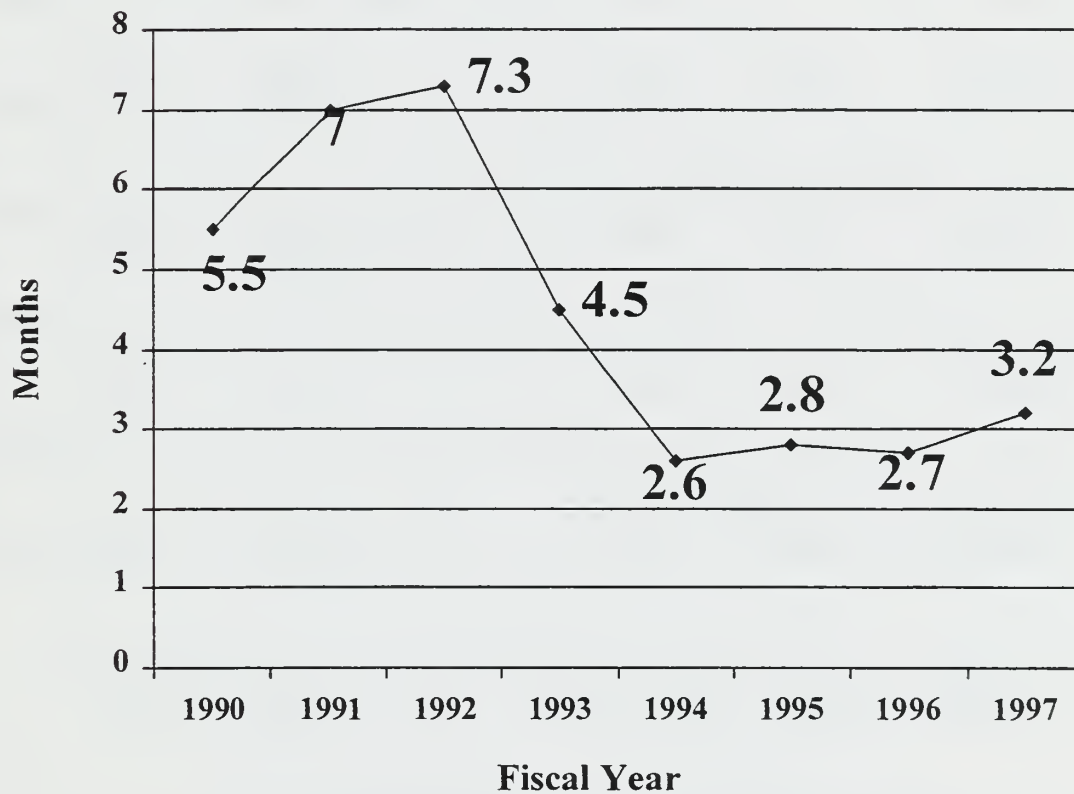


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Department of Industrial Accidents

James J. Campbell, Commissioner

Dispute Resolution



Conciliation to Conference Timeframes

Source: Dept. of Industrial Accidents, Commonwealth of Massachusetts
Prepared: September, 1997

CONFERENCES/HEARINGS

	CONFERENCES		HEARINGS	
	<u>Scheduled</u>	<u>Resolved</u>	<u>Scheduled</u>	<u>Resolved</u>
FY'90	18,296	9,936	7,682	5,634
FY'91	17,567	8,993	7,368	5,672
FY'92	19,794	9,621	7,093	5,861
FY'93	25,548	14,147	9,515	6,867
FY'94	16,054	8,118	10,406	7,034
FY'95	16,134	10,847	9,076	6,133
FY'96	14,059	9,615	7,657	6,808
<i>FY'97</i>	<i>13,057</i>	<i>8,201</i>	<i>6,974</i>	<i>6,138</i>

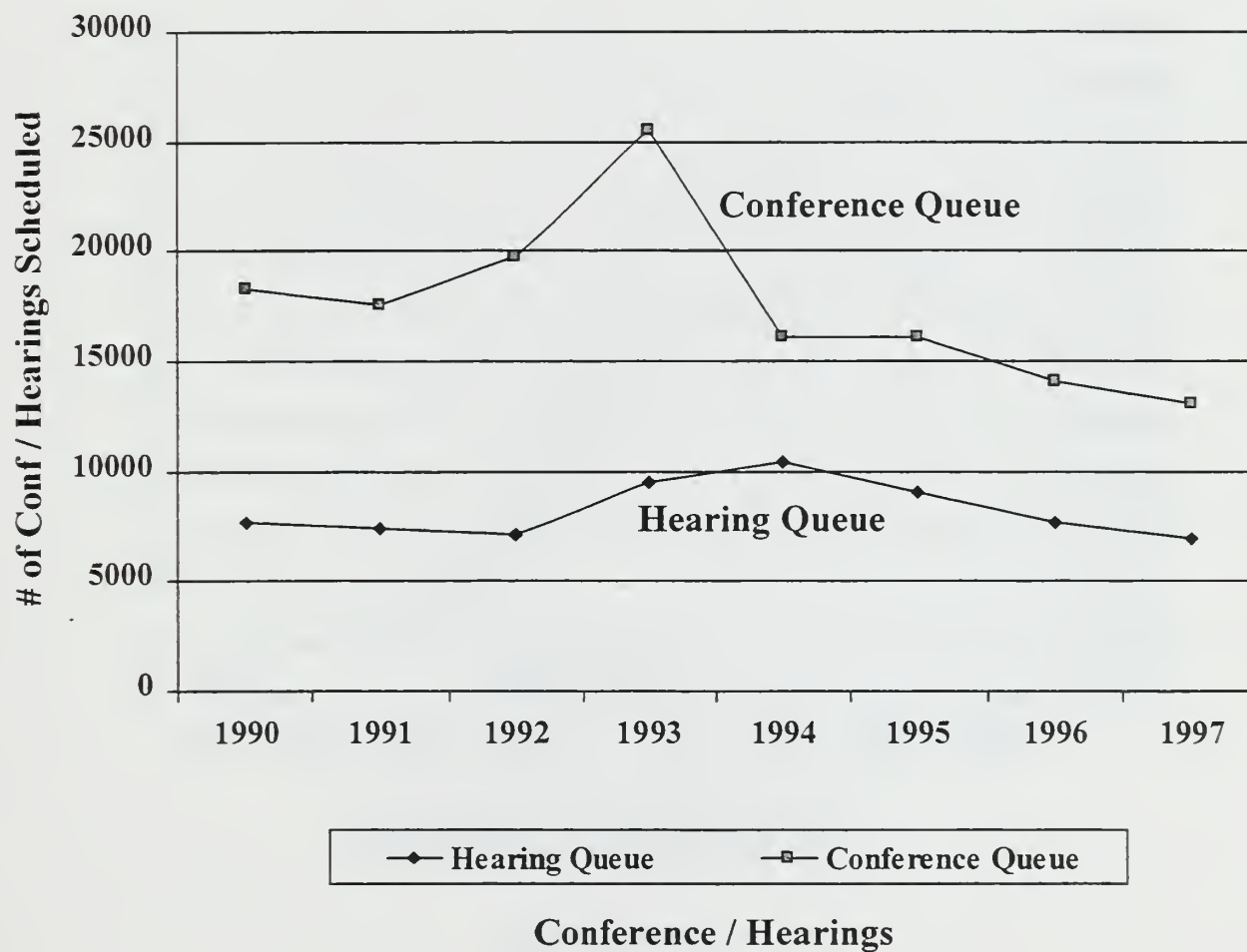


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Department of Industrial Accidents

James J. Campbell, Commissioner

Dispute Resolution



Source: Dept. of Industrial Accidents, Commonwealth of Massachusetts
Prepared: September, 1997

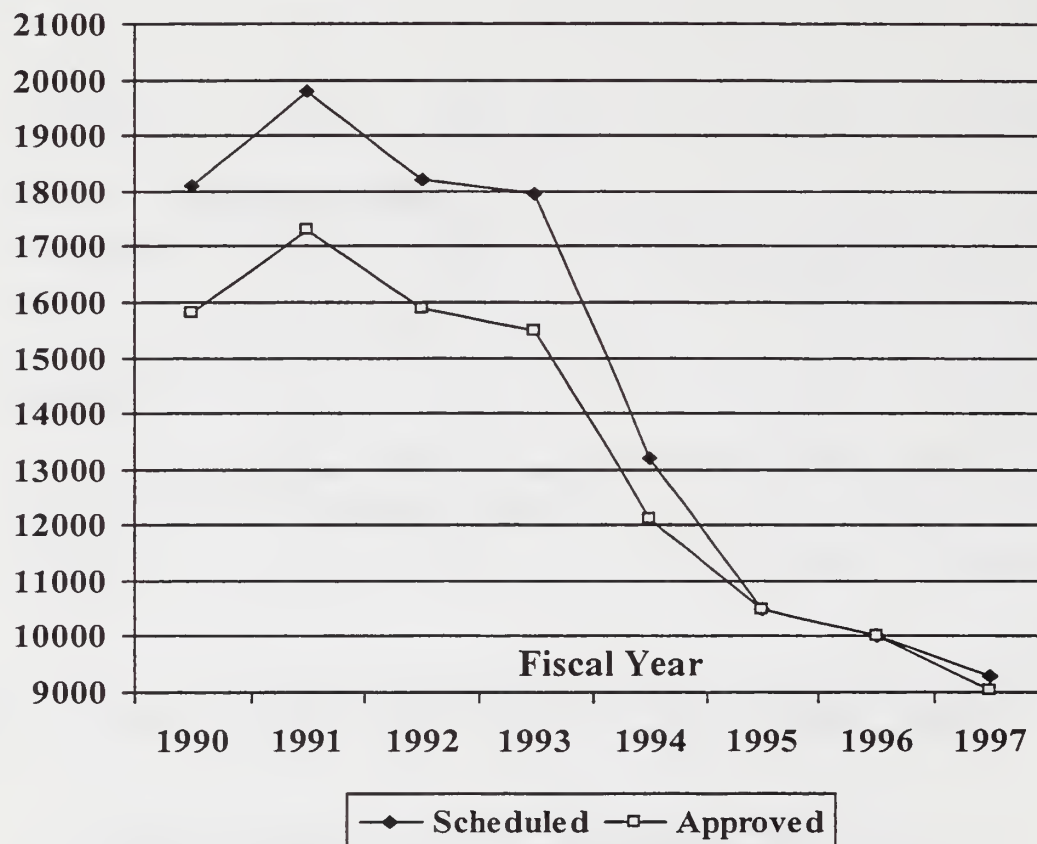


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Dispute Resolution

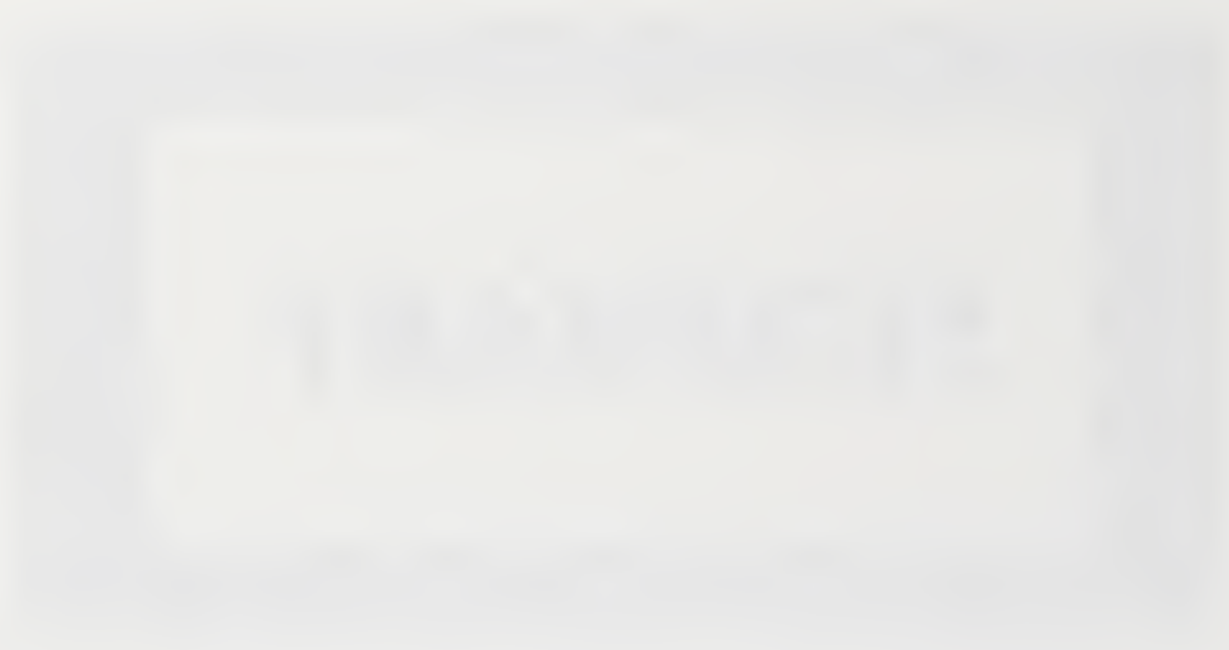


Lump Sums

Source: Dept. of Industrial Accidents, Commonwealth of Massachusetts
Prepared: September, 1997



SUMMARY



Summary

DIA 1997 Annual Report



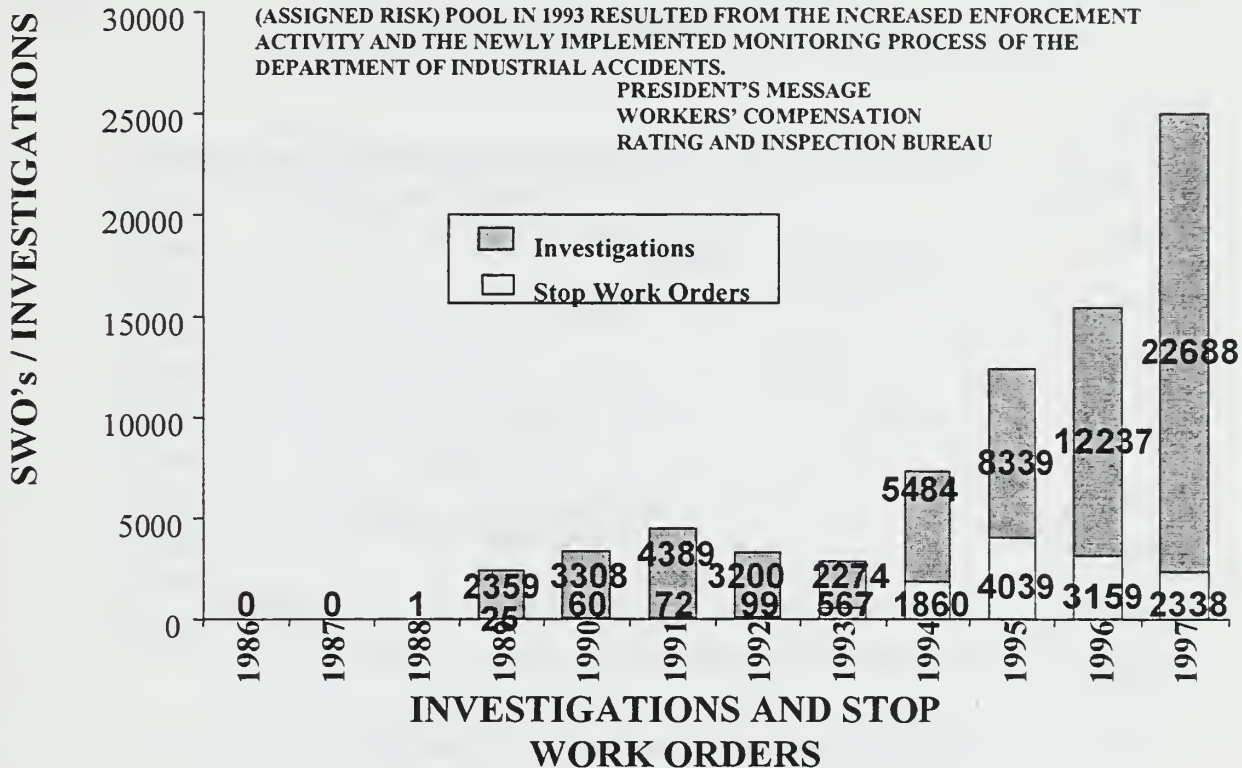
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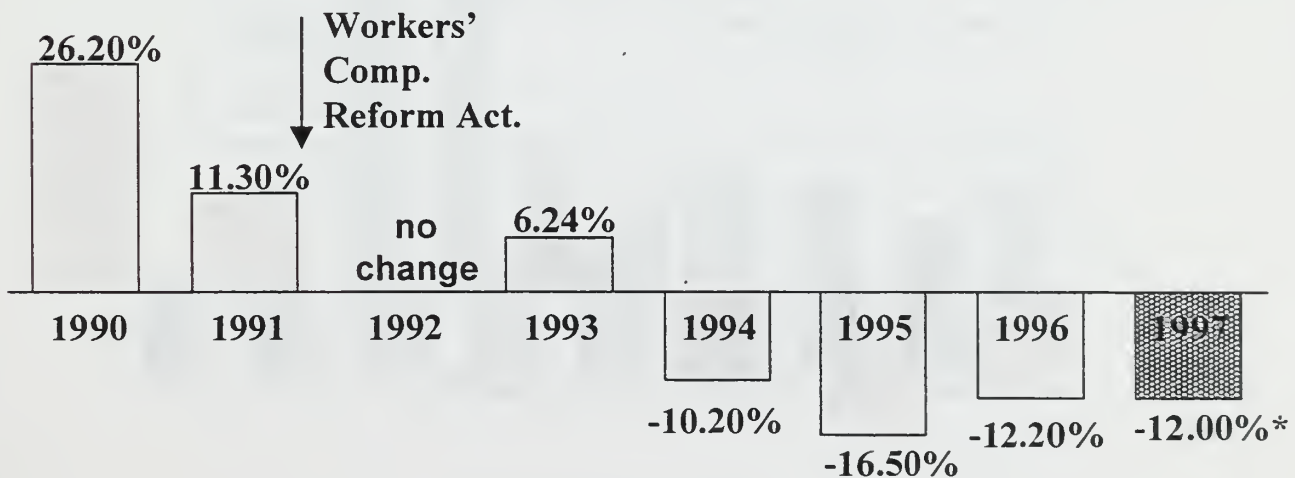
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PRESIDENT'S MESSAGE
WORKERS' COMPENSATION
RATING AND INSPECTION BUREAU



WORKERS' COMPENSATION PREMIUM RATE CHANGES



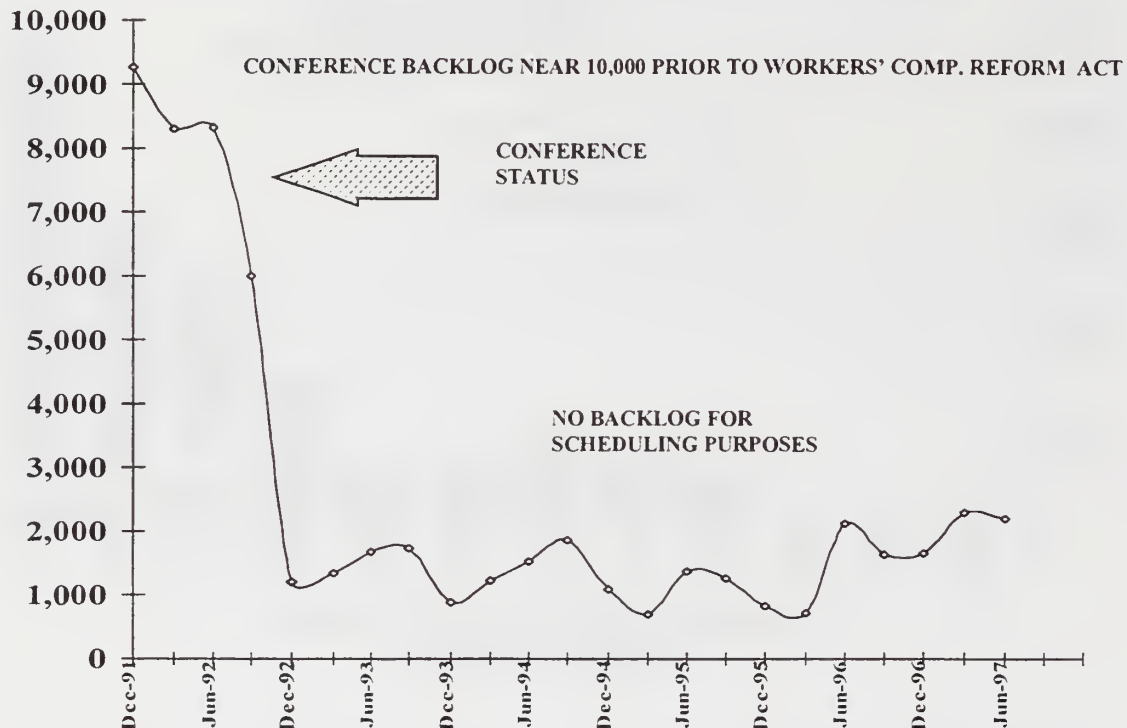
*Proposed 1997 rate change,
as yet not approved by Division of Insurance

Summary DIA 1997 Annual Report

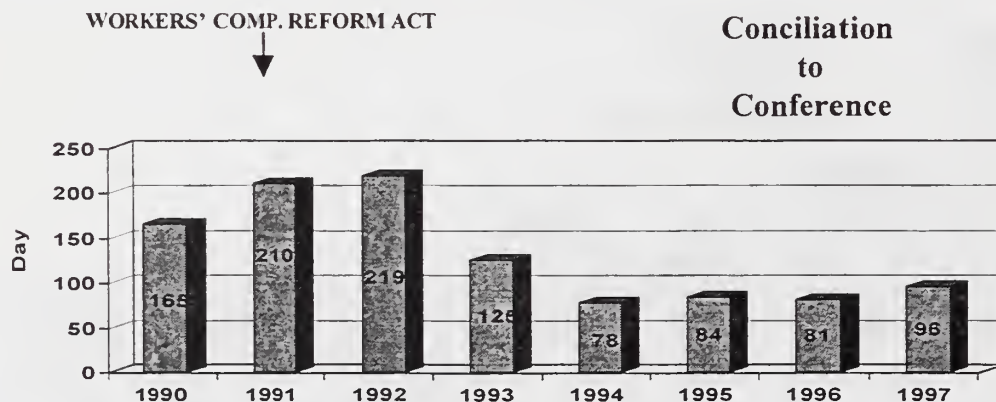


THE COMMONWEALTH OF MASSACHUSETTS Department of Industrial Accidents *James J. Campbell, Commissioner*

Dispute Resolution



Dispute Resolution



TIME TO SEE JUDGE*

Summary DIA 1997 Annual Report

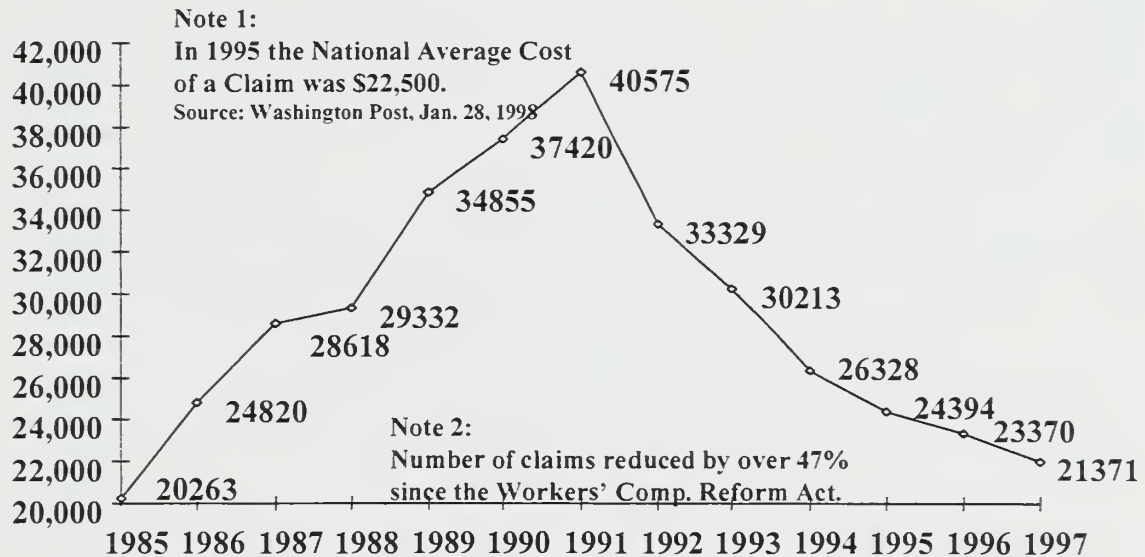


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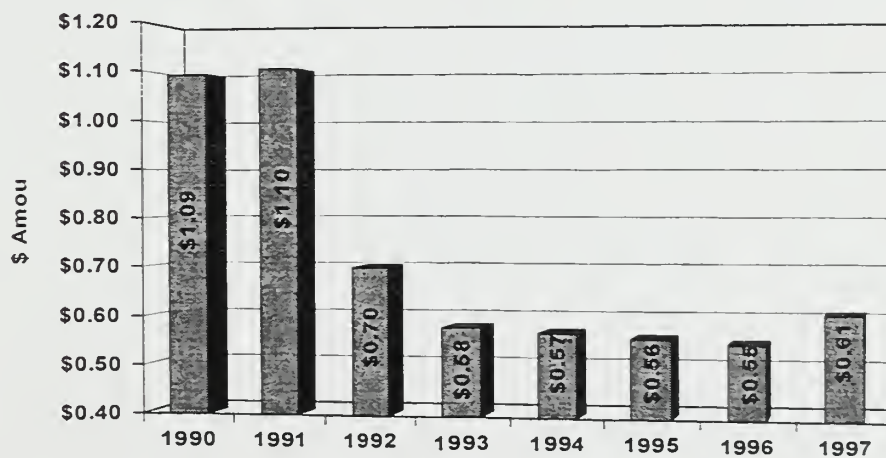
Department of Industrial Accidents

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WORKERS' COMPENSATION CLAIMS FILED



Workers' Compensation Claims Filed



PROVIDERS' LOSS RATIO





NOTES

